

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
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**FORMAL SESSION**  
**April 7, 2004**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., April 7, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3, Fulton Brock, District 1, Don Stapley, District 2 and Max W. Wilson, District 4. Absent: Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney.

**INVOCATION**

Jason Barney from Gilbert, delivered the invocation. Mr. Barney is District 2's nominee for the Planning Commission and is expected to be appointed later in the meeting.

**PLEDGE OF ALLEGIANCE**

Mark Owens, Development Services Technician in the Planning and Development Department, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

Julie Banks brought "Pepe" a five-year old Mexican Hairless to introduce as the "Pet of the Month" from Maricopa County Animal Care & Control. Ms. Banks said that this is the time of year when they are overwhelmed with too many animals and this would be an excellent time for people to come to the shelter to select a new pet. Pepe will be available for adoption after 1:00 p.m. today at the shelter on 35<sup>th</sup> Avenue north of Camelback Road.

**PRESENTATION FROM SAN TAN MOUNTAIN PRIDE TO SUPERVISOR FULTON BROCK**

Item: Presentation from San Tan Mountain Pride to Supervisor Fulton Brock regarding recent clean up in the San Tan Mountain area. (ADM3233)

Diane Wilson and Carolyn Rossberg, San Tan Mountain Pride Board Members, reported that during the recent five-hour area clean up at San Tan Park, 400 volunteers from Maricopa and Pinal Counties collected a total of 340 tons of discards that were hauled away. It included 900 bags of roadside trash and a ton of roadside debris too large to fit into the bags. She reported that this was the biggest "haul" in the six years this cleanup event has been held. Ms. Wilson said that this would not have been possible without the sponsorship and dedication of Fulton Brock who has been involved each year and whom they have named "Mr. Clean." They presented him with a framed ad promoting this year's event.

Supervisor Brock promised that this clean up would continue to be a yearly event and thanked all those from Maricopa and Pinal Counties who showed up ready for some hard work. He thanked the Park's Department, Pinal County, the Town of Queen Creek and all the volunteers who felt the importance of keeping the park lands litter free. He asked citizens to please put their trash in a disposal and not throw it out the windows of their cars.

**SERVICE AWARD PLAQUES**

Mike Gravino announced the names of those receiving awards of distinction for their longevity in working for Maricopa County and its residents. He noted that the recognition of long time County employees was instigated during the chairmanship of Supervisor Brock. Service plaques were awarded by Supervisor

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Brock and Chairman Kunasek to the following list of employees, who have all provided 30 or more years of public service by working for Maricopa County. Both Supervisors recognized the importance of honoring those whose uninterrupted full time employment for 30 or more years has made a lasting and indelible contribution to Valley residents. Those receiving plaques included the following: (C35040310) (ADM3341)

- George R. Sifuentes, Assessor's Office, 30 Years as of October 29, 1973
- Nancy C. Estrada, Assessor's Office, 30 Years as of December 30, 1973
- Shelley D. Mann, County Attorney's Office, 30 Years as of January 5, 1974
- Judith C. Lopez, Adult Probation, 30 Years as of January 7, 1974
- Margaret M. Henning, Total Compensation, 30 Years as of January 7, 1974
- Joel M. Glynn, Public Defender's Office, 30 Years as of January 14, 1974
- Frank D. Harrison, Assessor's Office, 30 Years as of February 4, 1974
- W. Denise Glab, Clerk of Superior Court, 30 Years as of February 11, 1974
- J. D. Mitchell Halfpenny, Juvenile Probation, 30 Years as of February 19, 1974
- Warren C. Kusters, Environmental Services, 30 Years as of March 11, 1974

**CHAIRMAN'S POINT OF PRIVILEGE**

Chairman Kunasek recognized Sheriff Arpaio, who was attending the meeting to support agenda item #22 regarding expenditure authority at the Sheriff's Office. The Chairman heard item #22 at this time.

**TRANSFER OF EXPENDITURE AUTHORITY REGARDING SHERIFF: PATROL STAFFING EQUIPMENT/SUPPLIES**

Item: Per ARS §42-17106, approve the transfer of expenditure authority from FY 2003-2004 contingency funds in the amount of \$477,648 (annualized impact is \$2,724,013) from General Government (470) General Fund (Fund 100) General Contingency to the Sheriff's Office (500) General Fund (Fund 100). Also, per ARS §42-17106, approve the transfer and expenditure of \$624,854 from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Sheriff: Patrol Staffing Equip/Supplies." Also approve the addition of ten full size patrol cars with all necessary equipment to the Maricopa County Fleet. Approval of these actions will allow the Sheriff's Office to provide improved law enforcement services to the residents of Maricopa County. Specifically, quicker response times and more preventative patrol will better deter criminal activity and protect the public. The actions implement the recommendations resulting from the Patrol Deputy staffing analysis of the Maricopa County Sheriff's Office performed by the Office of Management and Budget. (C50040588) (ADM3900-003) (ADM3104)

Sheriff Arpaio thanked Mr. Smith, OMB (Office of Management and Budget), the Board of Supervisors and his staff for their support and for all the preparatory work done during the past year that has resulted in bringing this item for a vote today. He reported that approving this item would make it possible for him to increase the number of patrol deputies in areas that have been lacking for too long. The Sheriff said, "We all realize that public safety is very critical, and we do the best we can to keep them safe – it's our top priority." He invited the Board to come to the district stations to meet the new deputies when they are hired, "so I can thank you (the Board) in front of them."

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Supervisor Stapley said that he recognized how much law enforcement has changed with the advent of so much growth Valley-wide and appreciated all the Sheriff's Office has been doing to keep pace. He said that thanks to the Sheriff and his deputies was long overdue.

Supervisor Brock explained that approval of this item would mean 35 new patrol officers who would be active in rural and unincorporated areas of the Valley, such as Sun City and Sun Lakes, where there has been some inadequacies due to lack of manpower. He thanked Mr. Smith and OMB for completing their study, which showed the need for this to be done.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the transfer of expenditure authority funds as given above.

**CODE ENFORCEMENT REVIEW**

**Chairman Kunasek moved this item, the Code Enforcement Review, to the end of the meeting during the Planning and Zoning portion.**

Item: Chairman Kunasek called for oral argument in the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. 2001-00868, Robert and Cynthia McPeters. (This hearing continued from meetings of October 8, November 5, 2003, and January 7, 2004.) (ADM3417-021)

**DEANNEXATION FROM CITY OF PEORIA, ANNEXATION TO CITY OF GLENDALE**

The Chairman convened a public hearing on ordinances filed by the City of Peoria, Ordinance No. 03-178, and the City of Glendale, Ordinance No. 2362 New Series, concurrently deannexing and annexing certain territory more particularly described as approximately 20.8 acres of land located south of Skunk Creek and West of 73<sup>rd</sup> Avenue.

No protests having been received and no one coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution deannexing certain territory from the City of Peoria and annexing that same territory to the City of Glendale be approved.

**RESOLUTION**

**WHEREAS**, the City Council of the City of Peoria, Arizona, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 03-178, deannexing from the City of Peoria, the territory described as follows:

That portion of the West half of Section 1, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the West quarter corner of Section 1, from whence the Northwest corner of Section 1 bears North 03° 07' 16" West (Basis of Bearings) a distance of 2243.00 feet;

Thence North 88° 50' 25" East along the South line of the Northwest quarter of Section 1 a distance of 512.15 feet;

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Thence North 14° 22' 01" East a distance of 225.03 feet to the POINT OF BEGINNING;  
thence continuing North 14° 22' 01" East along said line, a distance of 488.77 feet;

Thence North 10° 57' 59" West a distance of 255.30 feet;

Thence North 59° 00' 39" East a distance of 716.84 feet to the East line of the West half  
of the Northwest quarter of Section 1;

Thence South 03° 27' 05" East along said East line a distance of 1296.93 feet to the  
Southeast corner of the Southwest quarter of the Northwest quarter of Section 1;

Thence South 00° 10' 58" West along the East line of the West half of the Southwest  
quarter of Section 1 a distance of 581.67 feet to the North line of the Arizona Canal  
Diversion Channel as recorded in Book 356 of Maps, page 10, Official Records;

Thence North 44° 16' 29" West along said North line a distance of 405.01 feet to a  
tangent curve whose radius bears South 45° 43' 31" West a distance of 2968.57 feet;

Thence northwesterly along said curve through a central angle of 11° 12' 41" a distance  
of 580.88 feet;

Thence North 17° 19' 30" West a distance of 125.01 feet to the POINT OF BEGINNING.

Containing 20.8144 acres.

**WHEREAS**, the City Council of the City of Glendale, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 2362 New Series, annexing to the City of Glendale, the territory described above; and

**WHEREAS**, the aforesaid Resolution, and Ordinance were filed with the Maricopa County Board of Supervisors; and

**WHEREAS**, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., April 7, 2004; and

**WHEREAS**, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, had been satisfied; and

**WHEREAS**, no protests were filed,

**NOW, THEREFORE, BE IT RESOLVED** that the deannexation of that territory described above in the City of Peoria and annexing said territory to the City of Glendale is hereby ordered; and

**BE IT FURTHER RESOLVED** that a copy of this order be filed with the Recorder's Office of Maricopa County.

**DATED** this 7<sup>th</sup> day of April 2004.

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**PUBLIC HEARING – ENVIRONMENTAL SERVICES – AIR QUALITY/FUGITIVE DUST**

Chairman Kunasek called for a public hearing, pursuant to ARS §49-479(b), to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulation Rule 310 (Fugitive Dust), Appendix C, and Appendix F and on submitting the rules as revisions to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed revisions to the Maricopa County Air Pollution Control Regulations, Rule 310, Appendix C and F, and to submit the rules as revisions to the (Arizona) State Implementation Plan. (This hearing continued from meeting of March 17, 2004.) (C88040317) (ADM2354)

**PROPOSED AMENDMENTS TO RULE 310 AND APPENDIX F**

**All proposed new text is underlined and ~~strikeouts~~ indicate that existing text will be deleted.**

1. **Section 201—narrow definition more closely matching the existing definition of public roadways.** Amend text by striking existing language and referring only to public roadways and retail parking lots.
  
- 201 **AREA ACCESSIBLE TO THE PUBLIC** – Any retail parking lot or public roadway that is open to public travel primarily for purposes unrelated to the dust generating operation.
  
2. **Section 304.6 and Appendix F—delete references and map for shrink/swell potential.**
  - a. **Delete Reference in Section 304.6.** Amend the proposed new text in Section 304.6 by deleting the words, "and their shrink/swell potential".
  
  - 304.6** For construction projects one acre or larger, except for routine maintenance and repair done under a block permit, a statement disclosing which of the four designated texture(s) of soil and their shrink/swell potential described in Appendix F of these rules is naturally present at or will be imported to the dust generating operation. The measured soil content at a particular site shall take precedence over any mapped soil types, and whenever soils have been tested at a particular site, the test results should be relied on rather than the map in Appendix F.
  
  - b. **Delete second map entitled "Soil Shrink/swell Potential" from Section 2 of Appendix F.**
  
3. **Section 308.3(a)(1)—Change the proposed threshold for requiring a trackout control device from one to two acres.** Amend the text in Section 308.3(a)(1) by inserting the word "two" after the ~~strikeout~~ word "five", remove the ~~strikeout~~ from the word "acres", and delete the underlined words "one acre":
  - (1) ~~From~~ all work sites with a disturbed surface area of ~~five~~ two acres ~~one acre~~ or larger, and
  
4. **Section 308.7—Change the threshold for water systems back to one acre.** Amend text in Section 308.7 by removing the ~~strikeout~~ from the words "1 acre" and deleting the underlined new text "½ acre":
  - 308.7 **~~Soil Moisture On Disturbed Surface Areas 1 Acre Or Larger:~~** If water is the chosen control measure in an approved Dust Control Plan, the owner and/or operator of a dust generating operation shall operate a water application system on-site (e.g., water truck, water hose) while conducting any

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earthmoving operations on disturbed surface areas 1 acre ~~1/2-acre~~ or larger, unless a visible crust is maintained or the soil is sufficiently damp to prevent loose grains of soil from becoming dislodged.

Al Brown, Director of Maricopa County Environmental Services Department, reported that numerous meetings had been held with stakeholders, the E.P.A, trade associations and the County Attorney's Office to resolve issues that were noted by several related associations at the last Board meeting. Staff has amended the draft and he believes this set will eliminate concerns of the stakeholders. He explained these changes. He said that the air rules have been tightened to address the three deficiencies that were pointed out by the E.P.A. in 2002 so the rules will be more protective of our air quality and added that the consensus on this "is as close as we can get."

Supervisor Wilson asked to add the following, "The department shall work with the stakeholders to develop a R3-10 program for subcontractors, considering options that include subcontractor's permit, education and/or outreach programs." Al Brown agreed with this addition and offered any help that would be needed.

Amanda McGennis, Associated General Contractors, said that group was very appreciative of the efforts made by the County in the last few weeks since the continuance of this item from a previous meeting so further revisions could be made. She said they still want to go on record to say that some of the practices regarding the measures within the rule are still very prescriptive and go towards "micro-managing our business and don't go towards the realities of the day-to-day operations," but they are willing to work with the County on these and willing to further discuss ways of coming together. She also spoke of the "guidance document" of the E.P.A. and said they are working with the County on that document. "However," she added, "the guidance document is just that. It is not another enforcement tool but a tool for educating the public on fugitive dust emissions, and our industry and others providing dust-generating operations to move forward to reduce dust emissions and to be in containment by 2006."

Albert Atkin, Homebuilders Association of Central Arizona (HBACA), also thanked Al Brown and his staff for their efforts to resolve some of the HBACA concerns. He endorsed the addition made by Supervisor Wilson and said they look forward to helping address these very important issues. He thanked the Board for continuing this item at their last meeting for further discussion.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the above changes to Maricopa County Air Pollution Control Regulation Rule 310 and to include the amendment added by Supervisor Wilson given above and the redline changes also given above.

**PUBLIC HEARING – ENVIRONMENTAL SERVICES – RULE 280 FEES**

Chairman Kunasek called for a public hearing, as required by ARS §49-479(b), to solicit comments on proposed revisions to the following Maricopa County Air Pollution Control Regulations: Rule 280 (Fees). Following the public hearing, the Board is requested to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rule 280. (C88040277) (C88040307) (ADM2354)

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Al Brown, Director of Environmental Services, said that this fee revision to Rule 280 is technical in nature and would correct administrative errors made last year.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to adopt proposed revisions to Maricopa County Air Pollution Control Regulations, Rule 280. The three changes to Rule 280 are given below.

**CHANGES TO RULE 280**

- 203** No change.  
~~205.2~~ **205.1** The source is classified as a Synthetic Minor Source, and  
**205.2** No change.
- 204** No change.  
**204.1** No change.  
**204.2** No change.  
**204.3** No change.  
**204.4** No change.  
**204.5** No change.
- 207** No change.  
~~207.2~~ **207.1** Any source required to have a Title V permit under Rule 200, Section 302;  
**207.2** No change.

**SECTION 300 - STANDARDS**

- 301** No change.  
**301.1** No change.  
a. No change.  
b. No change.  
c. No change.  
d. No change.  
e. No change.
- 301.2** No change.  
a. No change.  
b. No change.
- 302** No change.  
**302.1** No change.  
a. No change.  
b. No change.  
c. No change.  
d. No change.  
e. No change.
- 302.2** Annual Fees: The owner or operator of an existing Non-Title V source shall pay the applicable annual administrative fee from the table below, as adjusted annually under Section 304. The annual administrative fee covers the cost of renewing a Non-Title V permit. The fee is due on the first anniversary date of the initial permit covering construction and startup of operations and annually thereafter on that date.

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Non-Title V Source Type	Annual Administrative Fee
Source listed in Table A	\$3,100
Source listed in Table B	\$1,300
Source listed in Table C -E	\$360

**PUBLIC HEARING – MEDICAL EXAMINER – FEE SCHEDULE**

Chairman Kunasek called for a public hearing to consider approval of a fee schedule to revise and establish new charges for medical examiner services, effective upon Board approval.(C29040049) (ADM2173)

Dr. Keene, County Medical Examiner, said this request to revise their fee schedule was in response to the recent report from the County's Audit Department. He indicated that it would involve a substantial reduction in cremation fees, from \$20 to \$5. He reported that in some localities in the U.S. the prevailing fees are much higher than this recommended amount and cremation charges can be as high as \$100. The Auditor's recommendation was based on recovering no more than the actual cost of the service.

**OFFICE OF THE MEDICAL EXAMINER  
FEE SCHEDULE  
CURRENT VS PROPOSED**

	<b>Current</b>	<b>Proposed</b>
<b><u>Copy Charges</u></b>		
Copies of Case Reports	5.00	5.00
Other Copies, per page	0.25	0.25
Identification Photo (Black & White)	2.50	3.00
Identification Photo (Color)	None	6.50
Digital Photo Disk	None	5.00
X-Ray, per copy	6.00	6.00
<b><u>Examination</u></b>		
Autopsy	800.00	1,042.00
External	300.00	427.00
<b><u>Cremation Authorization</u></b>	20.00	5.00
<b><u>Histology Charges</u></b>		
Microscopic Slide (each)	6.00	10.00
<b><u>Toxicology Tests-Special Services</u></b>		
Volatiles (Alcohol) Qauntitation (GC/FD)	45.00	27.00
Volatiles Screen (GC/MS)	65.00	42.00
ELISA Drug Class Screen	65.00	18.00
Basic/Neutral Drug Screen (GC/NPD)	85.00	33.00



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Acid/Neutral Drug Screen (HPLC)	110.00	50.00
Quantitation (GC/NPD); Single Analyte	65.00	50.00
Quantitation (GC/NPD); Additional Analyte	25.00	30.00
Quantitation (HPLC); Single Analyte	65.00	50.00
Quantitation (HPLC); Additional Analyte	25.00	30.00
Quantitation (GCMS)		
Opiates	110.00	80.00
Cocaine/Metabolites	110.00	80.00
Methamphetamine/Amphetamine/MDMA, etc.	110.00	80.00
Phencyclidine (PCP)	110.00	80.00
Miscellaneous Quants	110.00	80.00
GC/MS Confirmation (Single Matrix)	40.00	42.00
GC/MS Confirmation (Additional Matrix)	25.00	21.00
Carbon Monoxide Quantitation - UV	50.00	50.00
Miscellaneous Ultraviolet Quantitations	50.00	50.00
SIDS (NeoGen) Testing	Their Fee	Their Fee + 25.00
Quantitation performed by reference laboratory	Their Fee	Their Fee + 25.00
Electrolytes/Glucose by reference laboratory	Their Fee	Their Fee + 25.00
Cultures (Tissues, Blood, CSF, etc.)	Their Fee	Their Fee + 25.00
Specimen Preparation, Processing and Shipping	25.00	25.00
Specimen Preparation, Processing and Shipping - Frozen	65.00	125.00
<b><u>Transportation</u></b>		
Body Bag - Lightweight	11.00	13.00
Body Bag - Heavyweight	13.00	40.00
Transportation	80.00	75.00
<b><u>Scene Investigation</u></b>	None	136.00
<b><u>Expert Testimony</u></b>		
Per Hour	150.00	149.00
Half Day	500.00	None
Full Day (over 4 hours)	900.00	None
<b><u>Medical Education</u></b>	None	97.00

**MARICOPA COUNTY OFFICE OF THE MEDICAL EXAMINER**  
**EXPLANATION OF FEES**

**Copy Charges**

**Copies of Case Reports:** The public may purchase all case reports prepared by the Maricopa County Office of the Medical Examiner (MCOME) for one flat rate fee of \$5.00, which also includes mailing costs, if applicable.

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**Identification Photo:** The public may purchase black and white or color copies of the identification photo.

**X-rays and digital photo disk:** A fee is charged when copies of x-rays and digital photo disks are subpoenaed for use as evidence in civil and criminal proceedings.

**Examination**

The charge for examination by a medical examiner, whether an autopsy or an external examination, includes all steps that are required to be taken to complete the case from the point of admitting the body to issuing the final report of findings.

**Cremation Authorization**

Pursuant to A.R.S. 11-599, when a cremation is requested the medical examiner is required to review the death certificate and authorize the cremation of remains.

**Histology Charges**

A fee is charged for microscopic slides subpoenaed for use as evidence in civil and criminal proceedings or court ordered referrals.

**Toxicology Tests**

Toxicology testing services are provided to Yavapai County through an Intergovernmental Agreement. When specimens are requested to be sent to outside laboratories for additional or specialized testing, such as paternity or HIV testing, fees for specimen preparation, processing and shipping are charged to the requesting party.

**Transportation and Scene Investigation**

Other jurisdictions may utilize the medical examiner services of the MCOME and, by request of the other jurisdiction and agreement of the MCOME, transportation and scene investigation services may be provided by the MCOME and charged to the other jurisdiction as additional charges to the examination fee.

**Expert Testimony**

**Criminal Cases Out of County:** When a criminal prosecution takes place in a county other than Maricopa County and the deceased was examined in the MCOME, the medical examiner called to testify will do so and receive his/her daily wages from Maricopa County. MCOME will bill the other jurisdiction the established rate for those services. In instances of a criminal prosecution wherein the decedent was NOT examined in the MCOME, but the medical examiner handled the case while employed by another jurisdiction, the medical examiner called to testify will take leave from work and bill separately for his/her testimony. In the case of a medical examiner called to testify as an expert witness in a case that was not handled by either the MCOME or the individual medical examiner, the medical examiner will take a leave and bill separately for his/her services.

**Civil Cases:** A medical examiner called to give a deposition or to testify, or requested to give time in the preparation of civil litigation involving a death investigation conducted by the MCOME, but in which Maricopa County is not a litigant, is working beyond the normal scope of duties required in the routine course of processing a death investigation. The medical examiner will take a leave from work and bill the parties separately for his/her services. The same applies when a medical examiner is called to testify as an expert witness in a civil case that did not arise from a death investigation conducted by the MCOME.

**Medical Education**

The fee will be charged when MCOME provides medical or forensic education to the employees or students of an outside agency as the result of an approved Intergovernmental Agreement or contract between the agency and MCOME to provide these educational services.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the fee schedule revision for the Medical Examiner's Office as given above.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

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Chairman Kunasek called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson and seconded by Supervisor Stapley, to recommend approval of the following liquor license applications:

- a. Application filed by Ramon Dial Coronado for an Original, Series 10 Liquor License: (LL6117)

Business Name: El Torito Super Carniceria  
Location: 18337 East San Tan Boulevard, Chandler

- b. Application filed by Opal Irene Brown for an Original, Series 12 Liquor License: (LL6115)

Business Name: Pioneer  
Location: 3905 West Pioneer Road, Phoenix

- c. Application filed by Marisol Hernandez for Person-to-Person Transfer of a Series 7 Liquor License from Francisca Vargas: (LL6116)

Business Name: Westerner Bar  
Location: Highway 60, Aguila

- d. Application filed by Charlie P. Brown for a Special Event Liquor License: (F23132)

Organization: Franciscan Renewal Center  
Location: 5802 East Lincoln Drive, Scottsdale  
Date/Time: Friday, May 7, 2004; 5:00 p.m. – 10:00 p.m.

Motion carried by majority vote (3-1-1) with Supervisors Stapley, Kunasek and Wilson voting "aye" and Supervisor Brock voting "no."

**EXPENDITURE BUDGET TRANSFER RELATING TO THE CREATION OF THE CONSOLIDATED DUI COURT**

In accordance with ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize an FY 2003-2004 expenditure budget transfer from the General Government General Fund General Contingency (100-470-4711) for \$435,000 to the Clerk of the Superior Court (160) General Fund (100). Approval of this action will allow the Office to cover remaining one-time start-up costs of \$56,367 related to the creation of the Consolidated DUI Court, as well as \$378,633 for increased personnel and postage expenses. The annualized impact of this request for FY 2004-2005 totals \$378,633. Also, in accordance with ARS §42-17106(b), approve and authorize reserving \$250,000 in General Government (470) General Fund (100) General Contingency (4711) in a new line in General Government (470) General Fund (100) Other General Fund Programs (4712) entitled "Clerk of the Superior Court Postage." Approve the transfer of not-to-exceed this amount to the Clerk of Superior Court (160) General Fund (100) at fiscal year end if necessary in order to cover postage costs associated with ongoing billing problems. (C16040048) (ADM1000-003)

**SOLE SOURCE PROCUREMENT WITH WEST CORPORATION, dba ProLaw SOFTWARE, INC.**

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Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to award a sole source procurement to West Corporation, dba ProLaw Software Inc., for the purchase, implementation and maintenance of an off the shelf integration software solution to effectively integrate the County Attorney's County Counsel Division, records management, billing, accounting, docketing, and calendaring functions. The product, services, implementation and any necessary maintenance of this sole source procurement will not exceed the County Attorney's budgetary authorization and this sole source request has been advertised in accordance with the County's sole source procurement procedures. The agreement will become effective upon approval of both parties and will terminate one year from the date of approval. The initial cost for implementation of the software is estimated to be \$90,000. (C19040281)

**ADDITION TO FLEET OF ONE VEHICLE**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an increase to the County Attorney's fleet of one vehicle for use by a process server purchased with general fund money. In order to meet with the operational needs of the office concerning investigative casework, the office plans to purchase one additional mid-sized vehicle with general fund money. Expenditures for the operation and maintenance of the vehicle will be absorbed by the County Attorney's general fund budget. Any replacement costs associated with adding the vehicle to the county's fleet will be the responsibility of the County Attorney's Office and will be absorbed within its current and future budget appropriations. The Maricopa County Attorney's Office current vehicle fleet total is 81. Mid-sized vehicles are currently not eligible for alternative fuel systems. (C19040298) (ADM3104)

**BUDGET EXPENDITURE TRANSFER REGARDING DURANGO JAIL: TEMPORARY BUNK BEDS**

Per ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and authorize an expenditure budget transfer from FY 2003-2004 Appropriated Fund Balance (480) Detention Fund (255) General Contingency (4811) in the amount of \$49,831 to the existing line item in Appropriated Fund Balance (480) Detention Fund (255) Other Programs (4812) entitled "Durango Jail: Temporary Bunk Beds." With approval of this action, the Sheriff's Office is authorized to spend not-to-exceed \$49,831 from this reserve if at fiscal year-end it exceeds its (Dept 500) Detention Fund appropriation. (C5004028801) (ADM3900-003)

**EXPENDITURE BUDGET TRANSFER REGARDING SHERIFF: HELICOPTER ENGINE REPAIR**

Per ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize an expenditure budget transfer from FY 2003-2004 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) in the amount of \$134,740 to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Sheriff: Helicopter Engine Repair." With approval of this action, the Sheriff's Office is authorized to spend not-to-exceed \$134,740 from this reserve if at fiscal year-end it exceeds its (Dept 500) General Fund appropriation in addition to its budgeted amount for repairs and maintenance. (C5004049M) (ADM3900-003)

**DONATION FROM DEPARTMENT OF DEFENSE OF TWO SEDANS AND ADD TO THE FLEET**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a donation from the Department of Defense of two sedans, resulting in one-time additions to the Sheriff's Office Fleet. One vehicle is a 1999 Ford Contour with 72,170 original miles, valued at \$6,165; the other is a 1994 Plymouth Acclaim with 68,362 original miles, valued at \$3,295. The Sheriff's Office will use these vehicles primarily for Civil Process and Jail Intelligence Operations. These are temporary additions to

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fleet and will be retired at the end of their useful life with no funding from the General Fund or the Detention Fund for replacement, and the county's fleet will automatically be reduced. The annual estimated operational cost is \$6,000, which will be funded by the Intelligence Bureau. (C5004050M) (ADM3900) (ADM3104)

**DONATIONS FROM INDIVIDUALS FOR MCSO ANIMAL SAFE HOSPICE (MASH) UNIT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the acceptance of \$560 in donations from the following individuals wishing to help MCSO Animal Safe Hospice (MASH) Unit. These donations will be used to enhance current operations including helping to offset veterinary costs and equipment needs. (C5004051M) (ADM3900)

- Travis and Jennifer Wright, \$10
- Carmen Richter and Candy Pate, \$50; and
- Eugene and Patti Ross, \$500

**MEMORANDUM OF UNDERSTANDING WITH FEDERAL BUREAU OF INVESTIGATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Memorandum of Understanding between the Maricopa County Sheriff's Office (MCSO) and the Federal Bureau of Investigations (FBI). This MOU outlines the mission of the Joint Terrorism Task Forces (JTTFs), and formalizes the relationship between the FBI and MCSO, establishing the parameters for the detailing/assigning of Law Enforcement Officers to the FBI-led JTTF. In order to ensure that there is a robust capability to deter, defeat, and respond vigorously to terrorism in the United States, the FBI recognizes the need to utilize the resources of other federal and state law enforcement agencies to take advantage of their many specialties in fighting terrorism. The term of this MOU is indefinite, but may be terminated at any time by a 30-day written notice of intent. (C50040520)

**ADDITIONS TO THE FLEET AND EXEMPT FROM MARKINGS OF FIVE RICO VEHICLES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve one-time additions to the Sheriff's Office fleet of five RICO vehicles that have been forfeited through the County Attorney to be used in the Enforcement Program for Investigations and Enforcement Support Activities. These vehicles consist of one van, one truck, one sedan, and two utility vehicles to be used for special circumstances. Approval is also requested for exemptions from governmental markings, including non-governmental license plates, pursuant to ARS §38-538.03. These are one-time additions to fleet and should not be added to the County Vehicle Replacement schedule. RICO funds will support their operation, maintenance and fuel costs. (C5004053M) (ADM3101)

**WAIVER TO MARICOPA COUNTY EMPLOYEE LEAVE PLAN V & VI**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a waiver to the Maricopa County Employee Leave Plan V & VI for Deputy Thad Jones who sustained serious injuries as a result of an "act of violence" through no fault or negligence of his own, while he was responding to a domestic violence call. Authorize payment of normal base salary and benefits of the employee for duration of up to six months or return to full duty, whichever is earlier, to begin February 24, 2004. (C5004054M) (ADM3320-001)

**ADDITION TO THE FLEET OF ONE 2002 CHEVY TAHOE**

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Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a permanent addition to the Sheriff's Office Fleet of one 2002 Chevy Tahoe with 21,351 original miles, valued at \$27,117.35 acquired with Jail Enhancement Funds. This vehicle will be used by the Food Services Division to enhance, increase and improve the available food sources. Estimated fuel, repair, and maintenance will be \$4,600 per year, and the Detention Funds will be used to operate this vehicle. (C5004055M) (ADM3104)

**EXPENDITURE BUDGET TRANSFERS FOR SHERIFF: LEWIS PRISON DETAIL COSTS, SHERIFF: FUEL, AND SHERIFF; DETENTION OVERTIME PAY**

Per ARS §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the following expenditure budget transfers from FY 2003-2004 General Government (470) General Fund (100) General Contingency (4711): (C50040568) (ADM3900-003)

- a. Transfer \$388,000 to a new line in General Government (470) General Fund (100) Reserved Contingency (4711) entitled "Sheriff: Lewis Prison Detail Costs." With approval of this action, OMB is authorized to transfer not-to-exceed \$388,000 to the Sheriff's Office (500) General Fund (100) if at year-end it exceeds its General Fund appropriation for costs associated with the Lewis Prison takeover and does not receive reimbursement from the State.
- b. Transfer \$100,000 to a new line in General Government (470) General Fund (100) Reserved Contingency (4711) entitled "Sheriff: Fuel." With approval of this action, OMB is authorized to transfer not-to-exceed \$100,000 to the Sheriff's Office (500) General Fund (100) if at year-end it exceeds its General Fund appropriation in addition to its budgeted amount for fuel.
- c. Also, per ARS §42-17106(b) authorize an expenditure budget transfer from FY 2003-2004 General Government (470) Detention Fund (255) General Contingency (4711) in the amount of \$500,000 to a new line in General Government (470) Detention Fund (255) Reserved Contingency (4711) entitled "Sheriff: Detention Overtime Pay." With approval of this action, OMB is authorized to transfer not-to-exceed \$500,00 to the Sheriff's Office (500) Detention Fund (255) if at year-end it exceeds its Detention Fund appropriation in addition to its budgeted amount for overtime.

**COST REIMBURSEMENT AGREEMENT WITH FEDERAL BUREAU OF INVESTIGATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the Cost Reimbursement Agreement between the Maricopa Sheriff's Office and the Federal Bureau of Investigations, whereby the Sheriff's Office will receive reimbursement of up to \$10,720 for overtime worked by the deputy assigned to the "Joint Terrorism Task Force" (JTTF) for the period beginning October 1, 2003, and ending September 30, 2004. (C50045432)

**ADDITION TO THE FLEET OF SIXTEEN COMPACT VEHICLES**

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Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the addition of sixteen new compact vehicles to the Maricopa County fleet. The vehicles will be purchased with Adult Probation Fees Fund (201) fund balance within current expenditure appropriation and will have no financial impact. These vehicles will be used for surveillance purposes. Therefore, Adult Probation will submit a separate agenda item at a later time to request these vehicles be exempt from markings including decals and government plates pursuant to ARS §38-538.03. (C1104007M) (ADM3104)

**RETROACTIVE PAY FOR KERRILYNNE BAUMANN, PUBLIC INFORMATION OFFICER, OFFICE OF COMMUNICATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve retroactive pay for Kerrilynne Baumann, Public Information Officer, Office of Communications, retroactive to November 10, 2003. Approval of this action will allow the department to pay Ms. Baumann \$1,080 for retroactive pay (annualized at a salary increase of \$2,808). This cost will be absorbed in the current expenditure appropriation for Communications (7100). (C20040110) (ADM3308)

**LEASE WITH KING FAMILY TRUST AND B. GALE WILSON AND CAROLU WILSON PARTNERSHIP**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and execute a lease (L7351) between King Family Trust and B. Gale Wilson and Carolu Wilson Partnership and Maricopa County for 1,833 square feet of rentable office space located at 1837 South Mesa Drive adjacent to the Southeast Facility. The lease term is 60-months and will commence following satisfactory completion of the tenant improvements and the subsequent occupation of the space by Maricopa County. It is estimated that the lease will likely commence in May or June 2004. Said lease agreement includes \$20 per square foot as an allowance for tenant improvements for a total amount of \$36,660. By acquiring the additional space, the Office of the Legal Advocate (OLA) will be able to locate staff in the immediate vicinity of the courts and clientele served, thus reducing prospective mileage reimbursement expense and eliminating unproductive commuting time. The effective lease rates are as follows:

- first twelve-month period is \$12.50 per square foot plus rental tax
- second twelve-month period is \$13 per square foot plus rental tax
- third twelve-month period is \$13.50 per square foot plus rental tax
- fourth twelve-month period is \$14 per square foot plus rental tax
- fifth twelve-month period is \$14.50 per square foot plus rental tax

The lease terms include free parking in the onsite lot located directly in front of the building. The Lessor and Lessee have already agreed upon the tenant improvements outlined in the schematic. Associated costs for tenant improvements are within the tenant improvement allowance and will be paid in full by the Lessor. The base lease contains a 180-day cancellation provision with the reimbursement of unamortized tenant improvements. In addition, the county has a right to terminate the lease for non-appropriation of funds with the reimbursement of unamortized tenant improvements. This proposal was approved by the Facilities Review Committee on March 25, 2004. (C55040034)

**MONTH-TO-MONTH PARKING LEASES WITH VARIOUS VENDORS NEAR SECURITY CENTER BUILDING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize Maricopa County Legal Defender's Office and Materials Management to negotiate and

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enter into month-to-month parking leases with various vendors near the county-owned Security Center Building to provide parking for the new dependency and capital staff assigned to that location. The proposed agreements will fix the rental rate for a mutually acceptable term. Also, authorize the Legal Defender's Office to expend funds to pay vendors for leased parking spaces in an amount not-to-exceed \$4,500 in FY 2003-2004 and not-to-exceed \$14,500 in FY 2004-2005 from the General Fund (appropriated in C54040028 and C54040038). Vendor payments will be processed and tracked through purchase orders issued by Materials Management. These month-to-month leases will require vendors to provide a minimum number of parking spaces at fixed rates and will allow for the total number of parking spaces to fluctuate from month-to-month as these newly expanded units are staffed up to full size. The exact terms may vary according to the needs of the different vendors. There are no signed leases/agreements for month-to-month parking. The department will receive a monthly invoice and pay it based upon the agreed rate and the number of spaces for the month. The funding for this request will come from the Legal Defender's Office general fund budget. (C54040044)

**MONTH-TO-MONTH PARKING LEASES WITH VARIOUS VENDORS NEAR SECURITY CENTER BUILDING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize Maricopa County Public Defender's Office and Materials Management to negotiate and enter into month-to-month parking leases with various vendors near the county-owned Security Center Building to provide parking for the vehicular unit staff assigned to that location. The proposed agreements will fix the rental rate for a mutually acceptable term. Also, authorize the Public Defender's Office to expend funds to pay vendors for leased parking spaces in an amount not-to-exceed \$7,500 in FY 2003-2004 and not-to-exceed \$25,500 in FY 2004-2005 from the General Fund (appropriated in C52040028). Vendor payments will be processed and tracked through purchase orders issued by Materials Management. These month-to-month leases will require vendors to provide a minimum number of parking spaces at fixed rates and will allow for the total number of parking spaces to fluctuate from month-to-month as this newly expanded unit is staffed up to full size. The exact terms may vary according to the needs of the different vendors. There are no signed leases/agreements for month-to-month parking. The department will receive a monthly invoice and pay it based upon the agreed to rate and the number of spaces for the month. The funding for this request will come from the Public Defender's Office general fund budget. (C52040044)

**AMENDMENT TO LEASE WITH JEFFERSON SQUARE, LTD.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve and execute Amendment No. 1 to Lease No. L7308 with Jefferson Square Ltd. for 72,282 square feet of office space for the Public Defender located at 11 West Jefferson, Phoenix. This amendment extends the term of the existing lease for six additional months, from June 30, 2004, to December 31, 2004. The rental cost for the extension is \$585,484.20 plus 2.4% rental tax, payable in two quarterly payments. This extension also allows the landlord to begin to market the space to prospective tenants and provides for a holdover period (at the existing rate) on a month-to-month basis subject to landlord consent and the ability to increase the rent upon 30-days written notice. (C52040054) (C52030054)



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**REWARDING IDEAS EMPLOYEE AWARDS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize employee awards from the Rewarding Ideas Program in the amount of \$3,108 and present awards on April 21, 2004. (C2004010M) (ADM3333-002)

**AMENDMENT TO CONTRACT WITH MEDICAL PROFESSIONAL ASSOCIATES OF ARIZONA, PC (MedPro)**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 9 to the contract (No. 967722, also see agenda item C90990050107) for health care services with Medical Professional Associates of Arizona, PC (MedPro). This amends and restates the MIHS Agreement at Section III, entitled "Program Specifics," Paragraph I, entitled "Mental Health Testimony for Court Ordered Evaluations". This will transfer the 3.02 function from Maricopa Integrated Health System (MIHS) to the Maricopa County Department of Health Care Mandates (HCM). (C90020591) (C39040110)

**PERSONNEL AGENDA – COUNTY AND JUDICIAL**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

**EXTENSION TO CONTRACT WITH WORK GROUPS BY DESIGN**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a one-year extension to the consultant contract for professional consulting services with Work Groups by Design, not-to-exceed \$14,465 for preparation of the Urban County Consolidated Annual Performance and Evaluation Report (CAPER) and the Maricopa HOME Consortium CAPER for FY 2003-2004. The CAPERs are to contain all community and economic development, housing, and homeless activities within the county (excluding the City of Phoenix) for the fiscal year, regardless of fund source or administration of the activity. Because the county is the Lead Agency in the Consortium, the Consortium CAPER must be approved by the Board. The consultant will collect data from pertinent federal agencies, the state, Maricopa County Industrial Development Authority, all pertinent county departments, the Town of Gilbert, the cities of Chandler, Glendale, Mesa, Peoria, Scottsdale, Tempe, and all urban county participating jurisdictions, pertinent non-profits and private for-profit organizations. The CAPERs are an annual requirement of HUD for several federal grants received by the above-mentioned entities. The term of this contract will be from Board approval thru April 15, 2005. All expenses will be paid from budgeted grant funds. The Consortium town/cities have been assessed for their fair share of the Consolidated Plan(s) and the subsequent CAPERs. (C1702061102)

**FUNDING ALLOCATIONS FROM COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY FUND**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve funding allocations from the Community Development Block Grant (CDBG) Contingency Fund for \$25,000 & Amendment No. 2 to the Management & Implementation Agreement (MIA) between Maricopa County and Community Bridges for the Countywide/Transitional Redevelopment

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Center/Community Bridges CDBG Project (DG0203) and to clarify that the name of the activity is Countywide/Transitional Redevelopment Center/Community Bridges. (C1703004002) (ADM1500-001)

**RESULTS INITIATIVE REQUESTS - WITHDRAWN**

Authorize the Office of Management and Budget to Review the Results Initiative Requests for the Maricopa County Parks & Recreation Department, which consists of 12 RIR forms for capital development and system assessments, including the following: (NOTES from Office of Management and Budget - "The General Fund CANNOT support the expenditures outlined in this agenda item and OMB DOES NOT recommend approval of these expenditures.") (See Back-up) (C3004021M) (ADM3200-003)

- 1 Level II Facility Assessment (Systemwide)
- 2 Irrigation Systems (Estrella)
- 3 R&PP Patents thru BLM (I-17 Gateway Proposal)
- 4a Utilities for Mobile Visitor Center (McDowell)
- 4b Entry Station w/RR (White Tank)
- 4c Entry Station w/RR (McDowell)
- 5 Visitor's Center (Usery)
- 6 Comfort Stations (25) (various)
- 7 Group Picnic Area w/RR (McDowell)
- 8 Campgrounds (Estrella)
- 9 Master Plans (Systemwide)
- 10 Campground Design (White Tank)

The Clerk announced that this item had been withdrawn by the department for further review.

**FUND TRANSFERS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**EIGHTH SUPPLEMENTAL LEASE AGREEMENT WITH U.S. BUREAU OF LAND MANAGEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Eighth Supplemental Lease Agreement (SLA) to Lease No. GS-09B-95867 with the United States of America on behalf of the Bureau of Land Management office in the Security Building at 222 North Central Avenue, Phoenix (Tenant). This SLA amends the lease to grant to tenant an option to terminate the lease with 90-days written notice any time after April 1, 2004, without penalty. As consideration, the government waives any future contractual obligations Maricopa County may have to perform HVAC balancing, repainting, and replacement of carpet or ADA modifications, except for hazardous conditions. (C1803027001) (ADM811-002)

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**QUITCLAIM DEED FOR LINCOLN WAREHOUSE**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the Chairman to execute, for \$1.00, a Quitclaim Deed from Maricopa County to Maricopa County, for the purpose of combining fourteen Assessor's parcel numbers into one Assessor's parcel number, for the Lincoln Warehouse located at the northwest corner of Buchanan Street and 3<sup>rd</sup> Avenue. (C18040320) (ADM812)

**INCREASE IN INTER-FUND LOAN BETWEEN THE GENERAL FUND AND MARICOPA INTEGRATED HEALTH SYSTEM**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize an increase in the maximum allowable outstanding inter-fund loan amount between the General Fund and the Maricopa Integrated Health System (MIHS) from \$20 million to \$30 million. The inter-fund loans are necessary to cover potential MIHS operating cash shortfalls. Any borrowing that will cause the total outstanding loan amount to exceed \$30 million must be approved by the Board. (C18040338) (ADM2100)

**CERTIFY TRIAL COURTS (SUPERIOR COURT/JUSTICE COURTS) QUARTERLY COLLECTION FOR THE THIRD QUARTER OF FY 2003-2004**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to certify Maricopa County Trial Courts (Superior Court/Justice Courts) quarterly collection for the third quarter of FY 2003-2004 of \$12,093,020.73 and authorize a remittance of \$497,259.88 from the county to the State of Arizona, as required by ARS §12-116.04. This remittance represents 75% of the amount collected in excess of the third quarter collections (the "baseline") of FY 2002-2003. Submission of this certification and remittance of the funds to the State Treasurer is due on or before April 15, 2004. (C18040348) (ADM1011)

**SOLICITATION SERIALS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following solicitation serial items, except for 03264-S which was continued. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award of Solicitation Serials:**

- 03052-C      SPRINKLER SYSTEM PARTS** (\$108,500 est./three (3) years, with three (3) one-year renewal options)  
Pricing agreement to purchase sprinkler system parts as requested by various using county agencies.
- Horizon
- 03121-RFP      MAINFRAME OPERATION OUTSOURCING** (\$1,800,000 est./five (5) years)  
Five year pricing agreement for the operation of the county's mainframe computer system. Award is contingent on negotiation of a final contract.
- Infocrossing, Inc.

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- 03129-RFP LIBRARY SERVICES FOR NON-PRINT (MEDIA) MATERIALS** (\$2,000,000 est./three (3) years with three (3) one-year renewal options)  
Pricing agreement for non-print materials for use by the County Library District.
- Brodart
- 03158-C PARKING GARAGE POWER WASH SERVICE** (\$450,000 est./three (3) years with three (3) one-year renewal options)  
Pricing agreement to purchase parking garage power wash services as requested by the Facilities Management Department for use by various county agencies.
- TSCM Corporation
- 03251-C RESPIRATORY PROTECTION EQUIPMENT, PARTS & SERVICE** (\$1,800,000 est./three (3) years with three (3) one-year renewal options)  
Pricing agreement to purchase respiratory protection equipment, Parts and Service as requested by the Maricopa County Sheriff's Office.
- Fisher Scientific
  - Oilind Safety
- 03253-S TRAVELING MEDICAL PERSONNEL (RN/LPN) CHS** (\$12,000,000 est./three (3) years with three (3) one-year renewal options)  
Pricing agreement for traveling medical personnel as requested by the Correctional Health Services. Contract provides nursing services for CHS resulting from staff shortages.
- Amn. Healthcare, Inc.
  - Code Blue Staffing Solutions, LLC
  - Coremedical Group
  - Independent Nursing Services
  - Matrix Personnel Service, Inc.
  - Richards Healthcare, Inc.
  - Supplemental Health Care Services
  - Travmed USA, Inc.
- 03258-C CUSTOM FUEL AND SERVICE TRUCK** (\$118,420 est./one (1) year)  
Pricing agreement to purchase a custom fuel and service truck for the Equipment Services Department to permit fueling and service of vehicles in the field.
- Cunningham Commercial Vehicles

**THE FOLLOWING ITEM WAS CONTINUED TO THE APRIL 21<sup>ST</sup> MEETING DUE TO A PROTEST BEING RECEIVED.**

- 03264-S PROPERTY TAX AND VALUATION** (\$1,400,000 est./three (3) years with three (3) one-year renewal options) (Continued from meeting of March 17, 2004.)  
Pricing agreement to provide tax and valuation statement mailing and printing services for the County Assessor and Treasurer's Offices.
- Cooperative Computer Services, Inc.

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**Increase in the contract amount for the following contract(s).** This increase is due to an increased usage by County departments.

**01045-SC      TEMPORARY MEDICAL PERSONNEL (\$1,000,000)**

Increase price agreement value from \$7,500,000 to \$8,500,000. This \$1,000,000 increase will be utilized for additional staff augmentation resulting from on-going difficulties in the areas of recruitment, retention programs and staff reorganization. This temporary staff utilization has exceeded past estimates. This agreement was initially awarded by the Board in the amount of \$4,500,000 on July 25, 2001, and subsequently increased to \$7,500,000 on February 19, 2003. The expiration date of this agreement is July 31, 2004.

- Carestaff of Phoenix
- Carrigan's Registry
- Cypress Staffing
- Dependable Nurses of Phoenix
- Healing Hands Behavioral Health
- Intelistaf Health Services
- MD Home Health
- Maxim Healthcare
- Sacred Heart Nursing Services
- Starmed Staffing Group
- NCI/Nursing Centers, Inc.
- Nurses Plus Health Care

**03131-C      X-RAY SCANNER AND METAL DETECTOR (\$67,000)**

Increase price agreement value from \$216,000 to \$283,000. This \$67,000 increase will be utilized to purchase additional X-Ray Scanners and Metal Detectors for the new MCSO Jails. The original price agreement was approved on December 17, 2003, and has an expiration date of December 31, 2006.

- Smiths Detection, Inc.

**NON-FINANCIAL EDUCATIONAL SERVICE AGREEMENT WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the renewal of a Non-Financial Educational Service Agreement between Maricopa County, Risk Management Department, Safety Division and the Maricopa County Community College District, on behalf of GateWay Community College regarding the Educational Services Agreement for college credit for OSHA/Awareness and Equipment Training for County employees. Term from March 30, 2004, through June 30, 2006, and may be extended for two one-year increments. (C7503006001)

**TRANSFER OF EXPENDITURE AND REVENUE AUTHORITY REGARDING MANDATORY MICROCHIP PROGRAM**

Pursuant to ARS §41-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer of expenditure and revenue authority from the General Government Grants Fund (Department 470, Fund 249) to the Animal Care & Control License/Shelter Fund (Department 790/Fund 572). This action will require a revenue and expenditure

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appropriation adjustment decreasing the FY 2003-2004 General Government Grants Fund (D470, F249) by \$115,000 and increasing the FY 2003-2004 Animal Care & Control License/Shelter Fund (D790, F572) by \$115,000. These adjustments will result in a countywide net impact of zero. The request provides expenditure and revenue authority to support the mandatory microchip program approved by the Board on June 4, 2003 (C7903052M). (C79040538) (ADM2300-003)

**AGREEMENTS REGARDING NEW HOPE PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve agreements with the following 501 (c) 3 non-profit corporations and Maricopa County to allow the rescue of animals eligible for the New Hope Program. The terms of the agreements are from April 7, 2004, through April 6, 2007.

- a. Arizona Beagle Rescue, PO Box 36854, Phoenix, AZ 85067-6854. The loss of revenue of \$300 is based on the license fee that would be generated through the New Hope program without this agreement. (C79040551)
- b. A Paw Placement: A Helping Hand For Pets, 13221 N. 38<sup>th</sup> Place, Phoenix, AZ 85032. The loss of revenue of \$1,500 is based on the license fee that would be generated through the New Hope program without this agreement. (C79040561)

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 1 to the Intergovernmental Agreement (IGA) on Contract Number HG354249, STD Services, between Maricopa County Correctional Health Services (CHS) (Department 260) and Arizona Department of Health Services (ADHS). Acceptance of this IGA amendment will allow ADHS to continue to reimburse Correctional Health Services for 2.5 Medical Assistants to perform syphilis screening at Maricopa County jail and detention facilities. By approving this agenda item, the Board will be authorizing the acceptance of grant funding that is budgeted for FY 2004-2005. Grant funding in the amount of \$65,150 will offset operational expenditures to administer the program. The IGA period is from January 1, 2004, through December 31, 2004. (C2601006004)

**AMENDMENT TO AFFILIATION AGREEMENT WITH MIDWESTERN UNIVERSITY**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 3 to the Affiliation Agreement between Correctional Health Services (Department 260) and Midwestern University to continue maintaining and operating a clinical externship program for Physician Assistants in the area of Correctional Health. This amendment will extend the Affiliation Agreement for a period of two years from June 1, 2004, through May 31, 2006. There are no renewal options remaining. There is no financial impact associated with this affiliation agreement amendment. (C2601007003)

**APPOINTMENTS OF CONTRACT EMPLOYEES**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the appointments of contract employees of Correctional Health Services (Department 260) for the period of August 11, 2004 through August 10, 2005. Correctional Health desires to enter into Post-

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Doctoral Psychology Resident Training Agreements with the following. Approval of agreements are extensions of the Pre-Doctoral Intern Training Agreement between Correctional Health Services and Arizona Psychology Training Consortium approved by the Board on August 7, 2002 (C26030020), an Affiliation Agreement that allowed for the establishment, maintenance and operation of a mutually beneficial clinical intern training program for Pre-Doctoral Psychology Interns in the area of Correctional Health.

- a) Deborah A. Gross – The financial impact would be \$57,321 (\$41,392 annual stipend, \$15,929 for benefits for Ms. Gross). (C26040200)
- b) Sheri Andjelkovic – The financial impact would be \$57,321 (\$41,392 annual stipend, \$15,929 for benefits for Ms. Andjelkovic). (C26040210)

**RETROACTIVE PAY REQUESTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following retroactive pay requests. These costs will be absorbed in the current expenditure appropriation for Correctional Health Services (260) Detention Fund (255).

- a. Dr. Gale Steinhauser, Medical Director, Correctional Health Services', retroactive to January 19, 2004. Approval of this action will allow the Department to pay Dr. Steinhauser \$3,122 for retroactive pay (annualized at \$16,287), which is based on the recent salary advancement approved by the Compensation Review Committee on March 8, 2004. (C26040240) (ADM3308)
- b. Thomas Timmons, Contract Specialist, Correctional Health Services' Administration Division, retroactive to November 24, 2003. Approval of this action will allow the Department to pay Mr. Timmons \$4,272 for retroactive pay (annualized at \$11,106), that is based on the recent salary advancement approved by the Compensation Review Committee on March 8, 2004. (C26040250) (ADM3308)

**FEDERAL ASSISTANCE AWARD FROM U.S. ENVIRONMENTAL PROTECTION AGENCY AND APPROPRIATION ADJUSTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve acceptance of an award for Federal Assistance under Cooperative Agreement No. X6-97960701-0 in the amount of \$75,000 from the U.S. Environmental Protection Agency. The agreement award period will begin upon Board approval and continue to April 30, 2005. Also, cash matching funds of \$0.00 and in-kind matching funds of \$18,750 are required. The total amount of this agreement is \$93,750. The grant funds will be used for an investigation of drinking water from aquifers impacted by ground water recharge of treated effluent. Also, approve an appropriation adjustment for the Environmental Services Grant Fund (505) that will increase revenue and expenditure budgets by \$75,000. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation; therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment of \$75,000 does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C88040163)

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**AMENDMENT TO REVENUE CONTRACT WITH CITY OF PHOENIX**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Amendment No. 2 to the revenue contract with the City of Phoenix to increase the contract value by \$26,000 (from \$300,000 to \$326,000) and to extend the end date of the contract from February 29, 2004, to September 30, 2004, regarding workforce development. The purpose of the extension is to provide additional funding to complete analysis and documentation based on the survey findings. All other terms and conditions remain unchanged. The revised contract term will be from February 1, 2002, thru September 30, 2004. Retroactive approval of this amendment is requested. The contract was late for submission because the City of Phoenix did not deliver the amendment to the Maricopa County Human Services Department (MCHSD) until late February, which meant that MCHSD was not able to place the item on the Board agenda prior to the effective date. The Human Services Department has been participating in a national study being conducted by the U.S. Department of Labor to compare three methods of issuing Individual Training Accounts for program participants who receive occupational training under the Workforce Investment Act (WIA). The Department's participation is part of a collaborative effort with the City of Phoenix, the Phoenix Workforce Information Network, and the Maricopa Workforce Connection (WMC). (C2202154202)

**RENEWAL OPTION FOR LEASE WITH BOYS AND GIRLS CLUB OF THE EAST VALLEY, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute the renewal option for Lease No. L7200 with the Boys and Girls Club of the East Valley, Inc., Lessor, for the continued use of a 1,000 square foot Head Start classroom at 221 West 6<sup>th</sup> Avenue, Mesa. This option will extend the term of the existing lease through June 30, 2005. The annual rental cost will remain at the current rate of \$4,800. This lease contains a 90-day cancellation clause and does not include any county general funds. (CS95008) (C2203025402)

**LEASE AGREEMENT WITH CITY OF CHANDLER**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Lease Agreement No. C6552 with the City of Chandler, Lessor, for the continued use of a Head Start classroom located at 130 North Hamilton Street, Chandler, AZ. This lease will extend the full service lease from July 1, 2004, through June 30, 2005, at an annual cost of \$3,600 payable in quarterly amounts of \$900. This lease contains a 90-day cancellation clause. (C2204090401)

**COST REIMBURSEMENT CONTRACT WITH CATHOLIC SOCIAL SERVICES OF CENTRAL AND NORTHERN ARIZONA, INC.**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a cost reimbursement contract between Catholic Social Services of Central and Northern Arizona, Inc., an approved Delegate Agency, and Maricopa County's Human Services Department for the provision of Head Start services in the western part of the county. The target population includes low-income three and four year old children and their families. The contract amount is \$6,100,413. Funding under this agreement is based on "Notification of Funding Availability" by the funding source, U.S. Department of Health and Human Services (USDHHS), not-to-exceed \$7,250,000. This contract is effective on July 1, 2004, and shall terminate June 30, 2005. This contract does not include any county general funds. (C22050121)



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**COST REIMBURSEMENT CONTRACT WITH CATHOLIC SOCIAL SERVICES OF CENTRAL AND NORTHERN ARIZONA, INC.**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a cost reimbursement contract between Catholic Social Services of Central and Northern Arizona, Inc., an approved Early Head Start Delegate Agency, and Maricopa County's Human Services Department for the provision of Early Head Start services in the western part of the county. The target population includes low-income families with children under age three and pregnant women. The contract amount is \$688,990. Funding under this agreement is based on "Notification of Funding Availability" by the funding source, U.S. Department of Health and Human Services (USDHHS), not-to-exceed \$1,750,000. This contract is effective on July 1, 2004, and shall terminate June 30, 2005. This contract does not include any county general funds. (C22050131)

**NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH KYRENE ELEMENTARY SCHOOL DISTRICT**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the non-financial Intergovernmental Agreement (IGA), with the Kyrene Elementary School District and Maricopa County Human Services Department to collaboratively provide the Maricopa County Head Start Program with services to preschool children with disabilities who are enrolled in the Head Start program, as specified in ARS §15-761. The Kyrene Elementary School District will provide classroom and playground facilities as well as services for preschool children with disabilities, who are enrolled in the Head Start program. The term of the IGA is July 1, 2004, through June 30, 2005. (C22050222)

**NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH HIGLEY UNIFIED SCHOOL DISTRICT**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the non-financial Intergovernmental Agreement (IGA), with the Higley Unified School District and Maricopa County Human Services Department to collaboratively provide the Maricopa County Head Start Program with services to preschool children with disabilities who are enrolled in the Head Start program, as specified in ARS §15-761. The term of the IGA is July 1, 2004, through June 30, 2007. (C22050242)

**NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a non-financial Intergovernmental Agreement (IGA) with the Maricopa County Community College District on behalf of Scottsdale Community College to provide the Maricopa County Head Start program with classroom facilities and playground at Scottsdale Community College, 9000 East Chaparral Road, Scottsdale, Arizona, 85250. Head Start will provide early childhood services to preschool children of students enrolled at the college and Scottsdale Community College will provide wrap-around child care services for those children needing services prior to and after the Head Start class. This agreement is effective July 1, 2004, through June 30, 2007. (C22050252)

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**NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH CAVE CREEK UNIFIED SCHOOL DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the non-financial Intergovernmental Agreement (IGA), with the Cave Creek Unified School District and Maricopa County Human Services Department to collaboratively provide the Maricopa County Head Start Program with services to preschool children with disabilities who are enrolled in the Head Start program, as specified in ARS §15-761. The term of the IGA is July 1, 2004, through June 30, 2007. (C22050292)

**NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH GILBERT UNIFIED SCHOOL DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the non-financial Intergovernmental Agreement (IGA) with the Gilbert Unified School District and Maricopa County Human Services Department to collaboratively provide the Maricopa County Head Start Program with services to preschool children with disabilities who are enrolled in the Head Start program, as specified in ARS §15-761. The term of the IGA is July 1, 2004, through June 30, 2007. (C22050302)

**EIGHT FUNDING APPLICATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the Maricopa County Human Services Department to submit eight funding applications to various federal, state and private sector sources as detailed on Attachment A. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2005 as a result of the corresponding grant requests. All overhead/indirect costs are allowable and the FY 2005 authorized rate will be applied to the respective grants. The funding requested will not exceed \$12,000,000 in total. (C22050403LI)

**TWENTY-EIGHT FUNDING APPLICATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the Maricopa County Human Services Department to submit twenty-eight funding applications to various federal, state and private sector sources as detailed on Attachment A. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2005 as a result of the corresponding grant requests. All overhead/indirect costs are allowable and the FY 2005 authorized rate will be applied to the respective grants. The funding requested will not exceed \$8,816,000 in total. (C22050493LI)

**CONTRACT WITH VALLEY OF THE SUN UNITED WAY - CONTINUED**

Approve contract and receipt of \$170,500 in funding provided by Valley of the Sun United Way to the Maricopa County Human Services Department for the purpose of providing emergency utility assistance for low-income households in select areas of Maricopa County. Services will be provided through the Maricopa County Community Action Programs during the contract period of May 1, 2004, to May 1, 2005, or until all funds are expended if prior to May 1, 2005. It is anticipated that nearly 900 households will be assisted with utility bills as a result of receipt of this funding. (C22050881)

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The Clerk announced that this item was continued to the April 21<sup>st</sup> meeting.

**AMENDMENT TO LEASE WITH SOUTHWEST REAL ESTATE (SANTA ANITA REALTY ENTERPRISES, INC.)**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and execute Amendment No. 4 to full service Lease No. L7140 with Southwest Real Estate (Santa Anita Realty Enterprises, Inc.), Lessor, for a 3,600 square foot WIC and Nutrition Services facility located at 4002 North 67<sup>th</sup> Avenue, Suite 10, Phoenix. This amendment will extend the term of the lease from May 1, 2004, through April 30, 2009, and allow the Lessor to construct tenant improvements totaling \$13,765 and perform maintenance on the premises. A penalty of 1/60 of the \$13,765 will be charged for each remaining full month of the lease term in case of Lessee early termination of the lease. This lease contains a 90-day cancellation clause and was previously approved under CS926013. (C8600020404)

**APPOINTMENT OF MEMBERS TO THE CENTRAL ARIZONA RYAN WHITE TITLE I PLANNING COUNCIL**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint three new members for the term ending February 28, 2006, and two interim members for term ending February 28, 2005, to the Central Arizona Ryan White Title I Planning Council. In addition, approve the term renewals of twelve current council appointees for the term ending February 28, 2006. (C86041059) (ADM2153)

<b><u>Name</u></b>	<b><u>Representation Category</u></b>	<b><u>Term</u></b>
Jose Orlando Escobar (Replaces Lee Cox)	General Public	3/1/04 – 2/28/06
Feliciano Barrera (Replaces Lisa Utzinger)	General Public	3/1/04 – 2/28/06
Juan Carrasco (Increases Council Membership)	General Public	3/1/04 – 2/28/06
Tara Radke (Replaces Laura Kroger)	Service Provider	3/1/03 – 2/28/05 Interim Membership
Nova Lawson (Increases Council Membership)	Service Provider Interim Membership	3/1/03 – 2/28/05

In accordance with Article IV, Section 5 of the Ryan White Title I HIV Planning Council Bylaws, the following Planning Council members are recommended for reappointment to an additional term of service on the Council:

Marti Cutler  
Debby Elliott  
Larry Fisher  
Eric Moore  
Stephen O'Dell  
Larry Stähli

Louie Tapia  
Keith Thompson  
Cynthia Trotter  
Jonathan Weisbuch  
Carol Williams  
John Wynant

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**CHANGE ORDER (UNILATERAL) TO CONTRACT WITH JOE E. WOODS, INC.**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Change Order No. 22, a unilateral change order, to Contract JE00-09 with Joe E. Woods, Inc., which has been terminated, in the amount of \$500,000 to allow the county to procure and compensate for necessary labor and materials to complete the Lower Buckeye Jail Central Services Project. The increase is within the project budget. (C4001006106)

**PAYMENT OF ARRINGTON WATKINS ARCHITECTS, LLC CLAIM**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve and authorize payment of Arrington Watkins Architects, LLC claim of \$87,000 for additional design services. (Discussed in executive session on February 23, 2003). (C4004010M) (ADM409)

**PUBLIC NOTICE LEGAL ADVERTISING AND AWARD OF A CONSTRUCTION MANAGER-AT-RISK CONTRACT FOR THE DURANGO JUVENILE COMPLEX RENOVATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the public notice legal advertisement and award of a Construction Manager-At-Risk construction contract for Durango Juvenile Complex Renovations, Complex No. 1700 – Project No. 2003425452, provided that the guaranteed maximum price is not more than 10% over the independent estimate. The project site is located at 3125 West Durango Street, Phoenix. The project is within the budget. (C40040125)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. List on file in the Office of the Clerk of the Board of Supervisors. (ADM2007)

A229.011      Project No: 69010 – PM10 / Palm Lane (78th Street to Hawes Road) – Easement  
(DWM)              and Agreement for Highway Purposes – Parcel No. 219-23-021B – Jeffrey L.  
                                 Cannon and Jamie L. Cannon – for the sum of \$17,652.00.

A229.011      Project No: 69010 – PM10 / Palm Lane (78th Street to Hawes Road) – Purchase  
(DWM)              Agreement and Escrow Instructions – Parcel No. 219-23-021B – Jeffrey L. Cannon  
                                 and Jamie L. Cannon.

A247.001      Project No: 69010 – Rex Avenue (4th Avenue to Apache Trail) – Easement and  
(TS)              Agreement for Highway Purposes – Parcel No. 220-66-015A – Marybelle Gray – for  
                                 the sum of \$12,375.00.

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- A247.001  
(TS) Project No: 69010 – Rex Avenue (4th Avenue to Apache Trail) – Purchase Agreement and Escrow Instructions – Parcel No. 220-66-015A – Marybelle Gray.
- A267.025  
(CS) Project No: 68949 – McQueen Road (Queen Creek to Pecos) – Relocation Assistance – Parcel No. 303-28-001D - Spalj Construction – Relocation Entitlement of \$26,000.00.
- A276.002  
(CS) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Easement and Agreement for Highway Purposes – Parcel No. 211-50-003H – David C. Ryan, Michael F. Ryan, Amy A. Ryan, and Tomas F. Ryan – for the sum of \$7,668.00
- A276.003  
(CS) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Easement and Agreement for Highway Purposes – Parcel No. 211-50-003G – David C. Ryan, Michael F. Ryan, Amy A. Ryan, and Tomas F. Ryan – for the sum of \$7,668.00
- A276.002 &  
A276.003  
(CS) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Purchase Agreement and Escrow Instructions – Parcel No. 211-50-003H & 211-50-003G – David C. Ryan, Michael F. Ryan, Amy A. Ryan, and Tomas F. Ryan.
- A276.006  
(CS) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Easement and Agreement for Highway Purposes – Parcel No. 211-50-003N – Amy Anne Ryan – for the sum of \$7,668.00
- A276.007  
(CS) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Easement and Agreement for Highway Purposes – Parcel No. 211-50-003C – Amy Anne Ryan – for the sum of \$7,668.00
- A276.006 &  
A276.007  
(CS) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Purchase Agreement and Escrow Instructions – Parcel No. 211-50-003N & 211-50-003C – Amy Anne Ryan.
- A276.008  
(CS) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Easement and Agreement for Highway Purposes – Parcel No. 211-50-003L – Michael Franklin Ryan – for the sum of \$7,668.00.
- A276.009  
(CS) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Easement and Agreement for Highway Purposes – Parcel No. 211-50-003A – Michael Franklin Ryan – for the sum of \$7,668.00.
- A276.008 &  
A276.009  
(CS) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Purchase Agreement and Escrow Instructions – Parcel No. 211-50-003L & 211-50-003A – Michael Franklin Ryan.
- A276.012  
(EGA) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Easement and Agreement for Highway Purposes – Parcel No. 211-50-045A – Robert K. Corrigan, Trustee – for the sum of \$28,861.00.

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- A276.012 (EGA) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Purchase Agreement and Escrow Instructions – Parcel No. 211-50-045A – Robert K. Corrigan, Trustee.
- A276.013 (EGA) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Easement and Agreement for Highway Purposes – Parcel No. 211-50-044 – Robert K. Corrigan, Trustee – for the sum of \$13,070.00.
- A276.013 (EGA) Project No: 69010 – PM10 / 17th Avenue (Joy Ranch Road to Irvine Road) – Purchase Agreement and Escrow Instructions – Parcel No. 211-50-044 – Robert K. Corrigan, Trustee.
- A286.002 (TS) Project No: 69010 – 22nd Street (Dolores to Joy Ranch Road) – Easement and Agreement for Highway Purposes – Parcel No. 211-69-124 – Edwin J. Lacki and Deborah L. Lacki – for the sum of \$11,365.00.
- A286.002 (TS) Project No: 69010 – 22nd Street (Dolores to Joy Ranch Road) – Purchase Agreement and Escrow Instructions – Parcel No. 211-69-124 – Edwin J. Lacki and Deborah L. Lacki.
- DD-9351 (TS) Project No: 69010 – 125th Avenue South of Glendale Avenue – Quit-claim Deed – Parcel No. 501-56-015W – Liberty Traditional School, Inc., an Arizona non-profit organization – for the sum of \$10.00.
- S2001089 (DC) Russell Ranch, L.L.C. – Ratification and Joinder – Final Plat-S2001089 recorded in Book 640 of Maps, Page 22, records of Maricopa County, Arizona

**TRAFFIC CONTROLS**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following traffic controls: (F23134)

**DESIGNATED SCHOOL CROSSING** on 115th Avenue 422 feet south of SR 85 for Littleton Elementary School. (This rescinds the designated school crossing dated April 2, 1984.) (C64041935)

**DESIGNATED SCHOOL CROSSING** on Arlington School Road 1,109 feet south of Cactus Rose Road for Arlington Elementary School. (This rescinds the Designated School Crossing dated 12-04-1989). (C64041945)

**AMENDMENT TO CURRENT FY 2003-2004 FIVE-YEAR CIP FOR TRANSPORTATION CAPITAL PROJECTS FUND**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 capital budget for the following projects: (C64041878) (ADM2000-003)

- Project T025, Bell Road: SR 303 – Loop 101 ITS (McDOT No. 12590) capital budget by \$750,000
- Project T068, Ellsworth: Germann - Baseline (McDOT No. 68927) capital budget by \$8,870,000
- Project T071, 107th Avenue: Rose Garden - Jomax (McDOT No. 68932) capital budget by \$1,100,000
- Project T116, Laveen Area Conveyance Channel (McDOT No. 69036) capital budget by \$500,000

And, adjusting the following projects by increasing the FY 2004 (Year 1) capital budget for each:

- Project T024, 99th Avenue at Beardsley (McDOT No. 12585) capital budget by \$60,000
- Project T031, PM10 Roads (Ph 2) in NE Area (Grp 3) (McDOT No. 16207) capital budget by \$60,000
- Project T033, PM10 Roads (Ph 2) in NW Area (Grp 1) (McDOT No. 16209) capital budget by \$200,000
- Project T049, Union Hills at 107th Avenue (McDOT No. 30910) capital budget by \$130,000
- Project T007, Previous Years Projects (McDOT No. 68719) capital budget by \$400,000
- Project T058, Estrella Interim Loop 303 (II) (McDOT No. 68840) capital budget by \$2,700,000
- Project T061, McDowell: Pima Freeway to Alma School (McDOT No. 68897) capital budget by \$1,000,000
- Project T064, Baseline: 7th Avenue to 43rd Avenue (McDOT No. 68914) capital budget by \$20,000
- Project T072, MC 85 at Agua Fria/Bridge Scour (McDOT No. 68933) capital budget by \$1,800,000
- Project T075, 51st Avenue: Broadway to Baseline (McDOT No. 68943) capital budget by \$40,000
- Project T076, McQueen Road: Queen Creek - Pecos (McDOT No. 68949) capital budget by \$1,200,000
- Project T077, Estrella Parkway: Yuma - McDowell (McDOT No. 68950) capital budget by \$90,000
- Project T082, MC 85: Estrella Parkway - Litchfield (McDOT No. 68959) capital budget by \$350,000
- Project T083, MC 85: Cotton Lane – Estrella Parkway (McDOT No. 68960) capital budget by \$620,000
- Project T093, 99th Avenue: McDowell - Glendale (McDOT No. 68974) capital budget by \$70,000
- Project T094, Chandler Heights: Culvert at Eastern Canal (McDOT No. 68975) capital budget by \$50,000
- Project T019, AzTech Smart Corridors (McDOT No. 68989) capital budget by \$1,100,000
- Project T102, Williams Field at Higley (McDOT No. 68991) capital budget by \$40,000

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- Project T109, Loop 303: Indian School - Clearview (McDOT No. 69016) capital budget by \$600,000
- Project T112, MC 85: 107th Avenue – 91st Avenue (McDOT No. 69024) capital budget by \$160,000
- Project T113, MC 85: 91st Ave – 75th Avenue (McDOT No. 69025) capital budget by \$40,000
- Project T020, Signal Modernization (McDOT No. 69033) capital budget by \$80,000
- Project T117, Power Road: Williams Field - Ray (McDOT No. 69038) capital budget by \$170,000
- Project T118, Jackrabbit Trail: Yuma - Thomas (McDOT No. 69039) capital budget by \$180,000
- Project T123, Brown Road: Ellsworth - Crismon (McDOT No. 69044) capital budget by \$60,000 for a net impact of zero.

The requested adjustments are necessary to realign the project budgets to more closely match the year-end projected expenditure amounts.

**REIMBURSEMENT TO UNION PACIFIC RAILWAY**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve reimbursement to Union Pacific Railway in the amount of \$5,621 for the design and equipment improvements to the Union Pacific Railway crossing at Rittenhouse Road and Power Road. The cost may not exceed the current estimate amount of \$5,621 by more than 10%, under Work Order No. T023 (12578), Rittenhouse Road and Power Road Signalization. (C64041925) (ADM2000-006)

**QUIT CLAIM DEED FROM MARICOPA COUNTY TO CITY OF GOODYEAR**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a Quit Claim Deed from Maricopa County, a political subdivision of the State of Arizona to the City of Goodyear a municipal corporation. Said Quit Claim Deed describes the properties acquired by Maricopa County Department of Transportation for Projects 68950 – Estrella Parkway (Yuma Road to McDowell Road), 68947 - Estrella Parkway (MC 85 to Yuma Road) and 68877 - Estrella Parkway (Buckeye Canal to MC 85), consisting of approximately five miles of roadway known as Estrella Parkway located within the City of Goodyear. The properties will be used for the purpose of public roadway, drainage and public utility facilities. (C64041965) (ADM812)

**CALL FOR BIDS AND AWARD – CONSTRUCTION OF MC 85, ESTRELLA PARKWAY TO LITCHFIELD ROAD**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the solicitation for bids for the construction of MC 85, Estrella Parkway to Litchfield Road, Project T082, (McDOT No. 68959), and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C64041985)



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**QUIT CLAIM DEED TO AND FROM ROXANNE KNALL AND TODD G. WITTMAN**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to grant a Quit Claim Deed to Roxanne Knall and Todd G. Wittman and accept a Quit Claim Deed from Roxanne Knall and Todd G. Wittman for the moderation of a retention basin. Maricopa County acquired roadway right-of-way and retention areas. The City of Phoenix is the adjacent jurisdiction to this roadway. The city is planning the construction of a Fire Station at the northeast corner of the intersection of 99<sup>th</sup> Avenue and Campbell Avenue. This will require the construction of Campbell Avenue east of 99<sup>th</sup> Avenue. To accommodate the construction of the Fire Station and Campbell Avenue the City of Phoenix has requested that the retention basin be modified in location. To meet the needs of the modified retention basin location, Roxanne Knall and Todd G. Wittman are granting by Quitclaim Deed additional land to accommodate the modifications in exchange for Maricopa County quit claiming a portion of the current location. This exchange is a like-for-like square foot exchange of property. (C64041995) (ADM812)

**SETTLEMENT AGREEMENT WITH JOHN J. GORMAN**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve settlement agreement between John J. Gorman and Maricopa County. (Discussed in executive session on April 5, 2004.) (C64042105) (ADM409)

**MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F).

<b>Name</b>	<b>Old Rate</b>	<b>New Rate</b>	<b>Class Title</b>	<b>Code</b>	<b>Effective Date</b>
<b>Dept: 60 Health Plans</b>					
Gilbert,Carla	\$0.00	\$13.10	Claims Processor II	Nhr	03/01/2004
Hawn,Sharon L	\$16.04	\$19.41	Contract Specialist	Pro	02/15/2004
Miscavage,Adam P	\$0.00	\$16.00	Medical Review Auditor	Reh	03/01/2004
Noriega,Ernie V	\$0.00	\$14.60	Claims Processor III	Nhr	03/01/2004
Velazquez,Nancy	\$0.00	\$16.00	Claims Processor III	Nhr	02/23/2004
<b>Dept: 90 Maricopa Medical Center</b>					
Alexander,Joseph R	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/10/2004
Alfaro,Renaldo F	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/15/2004
Anderson,Patricia E	\$28.26	\$33.25	Registered Nurse	Coa	02/29/2004
Bashou,Maria G	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/26/2004
Berard,Anna	\$7.88	\$7.22	Ltc Attendant (F)	Ic	03/01/2004
Brabble,Karen M	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	03/08/2004
Campos,Leyla I	\$0.00	\$13.33	Interpreter/Translator	Nhr	02/17/2004
Carroll,Brenda L	\$8.99	\$8.60	Ltc Attendant (G)	Ic	03/01/2004
Claiborne,Nancy A	\$36.37	\$28.05	Registered Nurse	Dem	02/29/2004
Cons,Britton Y	\$0.00	\$14.54	Ob Tech	Nhr	03/01/2004
Cook,Suzanne E	\$0.00	\$25.14	Manager Payroll	Nhr	03/08/2004
Cortez,Ronnie	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/10/2004
Deleon,Martha C	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	03/01/2004
Drake,Juanita A	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	03/08/2004

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Duran, Cynthia I	\$33.25	\$28.26	Registered Nurse	Coa	02/29/2004
Espinoza, Rebecca	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/10/2004
Falquez, Mari C	\$11.28	\$12.00	Licensed Practical Nurse	Pro	02/29/2004
Fode, Phyllis J	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	03/10/2004
Fuller, Pert K	\$9.34	\$8.94	Ltc Attendant (G)	Ic	03/01/2004
Gabraiel, Gabrael D	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/26/2004
Gartner, Tanya M	\$7.22	\$8.60	Ltc Attendant (G)	Pro	03/15/2004
Geisler, Brenda F	\$0.00	\$31.36	Rn Swat	Nhr	03/01/2004
Gill, Michele M	\$0.00	\$21.50	Manager Rehab Operations	Nhr	03/01/2004
Gonzalez, Josephine	\$0.00	\$10.00	Pharmacy Tech Certified	Nhr	03/01/2004
Gonzalez, Manuel A	\$0.00	\$10.74	Dialysis Tech	Nhr	02/02/2004
Guillen, Javier F	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	03/08/2004
Guzman, Sara C	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/08/2004
Hernandez, Maria G	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	03/08/2004
Hernandez, Rikki S	\$0.00	\$9.60	Medical Assistant	Nhr	02/02/2004
Himmes, Doreen A	\$31.17	\$28.26	Registered Nurse	Coa	03/14/2004
Holiday, Lolita M	\$10.73	\$11.07	Lab Assist/Phlebotomist	Pro	02/15/2004
Hurley, Linda C	\$8.99	\$8.60	Ltc Attendant (G)	Ic	03/01/2004
Ilyayev, Boris	\$7.88	\$7.22	Ltc Attendant (F)	Ic	03/01/2004
Irizarry, Jacqueline E	\$0.00	\$9.17	Patient Care Assistant	Nhr	03/01/2004
Johnston, Pearlle	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/26/2004
Kalich, Linda K	\$7.88	\$7.22	Ltc Attendant (F)	Ic	03/01/2004
Keeler, Maria A	\$8.19	\$9.34	Ltc Attendant (F)	Pro	03/01/2004
Keith, Godifreda P	\$12.26	\$7.88	Ltc Attendant (F)	Coa	02/17/2004
Keith, Godifreda P	\$7.88	\$7.22	Ltc Attendant (F)	Ic	03/01/2004
Lance, Catherine A	\$28.05	\$28.26	Registered Nurse	Coa	02/29/2004
Lavoie, George F	\$7.88	\$7.22	Ltc Attendant (F)	Ic	03/01/2004
Lazau, Dorina	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	03/08/2004
Lee, Deborah A	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	02/26/2004
Leitch, Jennifer E	\$0.00	\$24.28	Hiv Program Coordinator	Nhr	02/23/2004
Leos, Rose E	\$8.99	\$8.60	Ltc Attendant (G)	Ic	03/01/2004
Lopez, Sandra C	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/22/2004
Mamou, Falah	\$7.88	\$7.22	Ltc Attendant (F)	Ic	03/01/2004
Marinov, Gueorgui A	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/22/2004
Marsh, Heather M	\$10.09	\$12.00	Licensed Practical Nurse	Pro	03/05/2004
Martinez, Angel V	\$6.58	\$6.84	Food Service Worker	Adv	06/20/2003
Martinez, Clarissa	\$0.00	\$6.86	Cafeteria Service Worker	Nhr	03/18/2004
Martinez, Rosa E	\$0.00	\$8.99	Ltc Attendant (G)	Reh	03/22/2004
Masih, Pamela J	\$18.57	\$20.03	Registered Nurse	Pro	03/01/2004
Mattson, Georgina	\$7.88	\$7.22	Ltc Attendant (F)	Ic	03/01/2004
McCargar, Jason D	\$0.00	\$40.86	Dentist	Nhr	03/01/2004
Molla, Samuel F	\$9.34	\$8.94	Ltc Attendant (G)	Ic	03/01/2004
Murdoch, Deborah L	\$0.00	\$27.20	Registered Nurse	Nhr	03/15/2004
Nano, Najiba	\$7.88	\$7.22	Ltc Attendant (F)	Ic	03/01/2004
Napierski, Debi L	\$0.00	\$25.24	Registered Nurse	Nhr	03/01/2004
Nelson, Michelle L	\$24.94	\$28.05	Registered Nurse	Pro	03/01/2004
Okon, Angelyn	\$15.12	\$18.96	Registered Nurse	Pro	03/01/2004
Parker, Serena C	\$9.34	\$8.94	Ltc Attendant (G)	Ic	03/01/2004
Paskhalova, Olga L	\$7.22	\$8.60	Ltc Attendant (G)	Pro	03/10/2004

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Perez, Abraham	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/10/2004
Player, Schilder M	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/22/2004
Ramirez, Valerie	\$12.66	\$15.75	Ob Tech	Coa	02/29/2004
Ramirez, Valerie	\$15.75	\$16.36	Ob Tech	Adv	02/29/2004
Rasheed, Edwinna V	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/08/2004
Rivas, Erika	\$15.00	\$18.25	Registered Nurse	Pro	02/22/2004
Romo, Lidia P	\$9.34	\$8.94	Ltc Attendant (G)	Ic	03/01/2004
Rudenko, Katherine E	\$8.99	\$8.60	Ltc Attendant (G)	Ic	03/01/2004
Santana, Manee	\$7.88	\$7.22	Ltc Attendant (F)	Ic	01/01/2004
Schroeder, Allison M	\$0.00	\$12.50	Pharmacy Tech Certified	Nht	03/01/2004
Sharp, Brenda L	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	03/15/2004
Simpson, Marcella C	\$28.05	\$26.22	Registered Nurse	Coa	03/14/2004
Slabough, Shirley J	\$8.99	\$8.60	Ltc Attendant (G)	Ic	03/01/2004
Smallwood, Melissa I	\$7.88	\$7.22	Ltc Attendant (F)	Ic	02/29/2004
Smith, Kathryn L	\$8.99	\$8.60	Ltc Attendant (G)	Ic	03/01/2004
Spires, Carol S	\$0.00	\$8.99	Ltc Attendant (G)	Reh	03/22/2004
Tadaya, Teresita M	\$0.00	\$17.98	Supervisor Edm System	Nht	03/01/2004
Tanner, Diana K	\$0.00	\$7.88	Ltc Attendant (F)	Reh	03/01/2004
Tirmenstein, Doug	\$14.50	\$15.95	Histotech	Pro	02/29/2004
Trevizo, Lidia	\$7.22	\$8.60	Ltc Attendant (G)	Pro	02/01/2004
Vitela, Patricia H	\$0.00	\$9.60	Medical Assistant	Nhr	03/01/2004
Vojir, Russell J	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	02/23/2004
Westley, Georgia L	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	03/22/2004
Wilhite, Darrio A	\$13.44	\$13.96	Psych Tech	Adv	02/01/2004
Wilhite, Darrio A	\$14.68	\$13.44	Psych Tech	Coa	02/01/2004
Willis, Jimmie C	\$7.88	\$7.22	Ltc Attendant (F)	Ic	03/01/2004
Williscroft, Young L	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	03/08/2004

Nhc - New Hire Contract  
 Nht - New Hire Temporary  
 Pro - Promotion  
 Adv - Salary Advancement  
 Cor - Correction  
 Swa - Special Work Assignment

Nhr - New Hire Regular  
 Reh - Rehired  
 Dem - Demotion  
 Coa - Change Of Appointment  
 Ic - Insurance Change For Attendant Care Workers

**MEDICAL STAFF, ALLIED HEALTH STAFF, AND HEALTH PLAN PROVIDER PARTICIPATION APPOINTMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve lists of Medical Staff appointments, Allied Health Staff appointments and Health Plan Provider Participation appointments as recommended by the Professional Practice Committee of MIHS. (Discussed in executive session on April 5, 2004.) (C9004171M) (ADM2100-005)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

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**Maricopa Medical Center Credentials Committee Roster**

Recommended by CC: 03/12/2004  
 Recommended by Med. Staff Exec. Comm: 03/16/2004  
 Recommended by Prof. Practices Comm.: 03/25/2004  
 Approved Board of Supervisors: 04/2004

**MEDICAL STAFF APPOINTMENTS  
INITIAL APPOINTMENTS**

<b>PROVIDER</b>	<b>PRIMARY DEPARTMENT/SPECIALTY</b>	<b>CATEGORY</b>
Reginald C. Baptiste, M.D.	Surgery/Cardio-thoracic Surgery	Provisional Courtesy
Shareh O. Ghani, M.D.	Psychiatry	Provisional Courtesy
Robert A. Greenberger, M.D.	Anesthesiology	Provisional Courtesy
Jason D. McCargar, D.M.D.	Dentistry	Provisional Active
Abdul Nadir, M.D.	Internal Medicine/Gastroenterology	Provisional Active
Mehrdad Shafa, M.D.	Pediatrics/Pediatric Emergency Medicine	Provisional Courtesy
Lana L. Wong, D.D.S.	Dentistry	Provisional Active

**REAPPOINTMENTS**

<b>PROVIDER</b>	<b>PRIMARY DEPARTMENT/SPECIALTY</b>	<b>CATEGORY</b>
Jeffrey J. Alvarez, M.D.	Family & Community Medicine	Active
Stephen P. Beals, M.D.	Surgery/Plastic Surgery	Courtesy
Michael A. Bruno, M.D.	Radiology	Active
Teresa A. Buckstein, M.D.	Pediatrics	Active
Jack A. Buhrow, D.D.S., M.S.	Surgery/Oral and Maxillofacial	Courtesy
Daniel M. Caruso, M.D.	Surgery/Critical Care-Trauma	Active
J. Kipp Charlton, M.D.	Pediatrics/ Nephrology	Active
Laura A. Don, M.D.	Psychiatry	Courtesy
Elizabeth C. Dubovsky, M.D.	Radiology	Courtesy
Samuel P. Hand, M.D.	Psychiatry	Active
Toni L. Harrison, M.D.	Anesthesiology	Courtesy
G. Allen Holloway, M.D.	Surgery/Internal Medicine	Active
Kenneth D. Hopper, M.D.	Radiology	Courtesy
Kenneth C. Jackimczyk, Jr., M.D.	Emergency Medicine	Active
Shakuntala Jain, M.D.	Psychiatry	Courtesy
Andrew A. Kassir, M.D.	Surgery/General Surgery	Active
Abraham C. Kuruvilla, M.D.	Family & Community Medicine	Active
Petronio LeRona, M.D.	Radiology	Active
Jocelyn V. Nguyen, M.D.	Family & Community Medicine	Active
Carol Kline Olson, M.D.	Psychiatry	Active
Pamela M. Powers, M.D.	Psychiatry	Courtesy
John C. Quintas, M.D.	Radiology	Active
Willie Quon, M.D.	Anesthesiology	Courtesy
Claudio C. Sabal, M.D.	Radiology	Active
Peter R. Wilcox, M.D.	Family & Community Medicine	Active

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**REVISION OF PRIVILEGES**

<b>PROVIDER</b>	<b>PRIMARY DEPARTMENT/SPECIALTY</b>	<b>REQUESTED PRIVILEGE</b>	<b>COMMENTS</b>
Michael A. Bruno, M.D.	Radiology	Moderate Sedation	Unsupervised
Edgardo Zavala-Alarcon, M.D.	Internal Medicine/Cardiology	Automatic Implantable Cardioverter Defibrillator (AICD)	Unsupervised

**LOCUM TENENS**

<b>PROVIDER</b>	<b>PRIMARY DEPARTMENT/SPECIALTY</b>	<b>APPOINTMENT DATES</b>	<b>COMMENTS</b>
Mehrzad Bozorgnia, M.D.	Surgery	March 2, 2004 to May 24, 2004	1 <sup>st</sup> term
Avelina E. Laxa, M.D.	Radiology	March 6, 2004 to September 6, 2004	3 <sup>rd</sup> Six month term/transitioning to Provisional status
Chung L. Wong, M.D.	Radiology	March 15, 2004 to September 15, 2004	2 <sup>nd</sup> Six month term

**CHANGE OF STATUS**

<b>PROVIDER</b>	<b>PRIMARY DEPARTMENT</b>	<b>CATEGORY CHANGE</b>	<b>COMMENTS</b>
Chrystina M. Cook, M.D.	Internal Medicine	Active to Inactive	Resigned from contracting entity
Karnail S. Dhillon, M.D.	Psychiatry	Courtesy to Inactive	Resigned from contracting entity
Shipra Garg, M.D.	Pathology	Provisional to Inactive	Resigned from contracting entity
Forrest D. Holden, M.D.	Emergency Medicine	Courtesy to Inactive	Resigned from contracting entity
Lisa S. Jones, M.D.	Psychiatry	Active to Inactive	Resigned from contracting entity
Joseph P. Lozon, M.D.	Emergency Medicine	Courtesy to Inactive	Resigned from contracting entity
Judy Messer, M.D.	Emergency Medicine	Courtesy to Inactive	Resigned from contracting entity
J. Phillip Nelson, M.D.	Orthopedic Surgery	Active to Inactive	Retirement
Ramon A. Robles, M.D.	Surgery	Courtesy to Inactive	Resigned from contracting entity
Brian R. Tiffany, M.D.	Emergency Medicine	Courtesy to Inactive	Resigned from contracting entity

**Definitions:**

Active                                ≥ 1,000 hours/year – Active members of the medical staff have voting rights and can serve on medical staff committees

Courtesy                            < 1,000 hours/year – Courtesy members do not have voting rights and do not serve on medical staff committees

Locum Tenens                    Locum Tenens Staff consists of physicians, dentists and podiatrists who are to provide coverage for a medical staff member or to assist temporarily in a specific specialty, when a current medical staff member cannot supply such services on a timely basis.

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- Provisional** All initial Active and Courtesy appointments to the medical staff are provisional in nature for a period of twelve (12) months. During that period, the actions of the applicant shall be observed for demonstrated clinical competence, adherence to the ethics of the profession, the ability to work with others and the ability to provide patient care within the parameters of professional competence.
- Reappointments** Renewal of appointment and privileges is for a period of two years (JCAHO MS.4.20 - Privileges are granted, renewed, or revised and do not exceed a period of two years), unless otherwise specified for a shorter period of time.
- Reinstatement** Up to one year following voluntary resignation from the Medical Staff, a Practitioner may request reinstatement of his/her Medical Staff membership and clinical privileges. Reinstatement is accomplished by successfully completing the reappointment process.

**Maricopa Medical Center Credentials Committee Roster**

Recommended by Cred.Comm.: 03/12/2004  
 Recommended by Med. Staff Exec. Comm.: 03/16/2004  
 Recommended by Prof. Practices Comm.: 03/25/2004  
 Approved by Board of Supervisors: 04/2004

**ALLIED HEALTH PROFESSIONALS**

**INITIAL**

PROVIDER	PRIMARY DEPARTMENT	CATEGORY	COMMENTS
Orlando A. Delgado, P.A.	Surgery/ENT	Physician Assistant	Special Procedures requested: Minor Surgery (i.e., mole removal, biopsy, incision and drainage, suture of minor lacerations using local anesthetics, nitrogen/cryotherapy)
Amy E. Hillier, P.A.-C	Internal Medicine	Physician Assistant	Standard Physician Assistant Practice Prerogatives requested
Janet Perry, Ph.D.	Psychiatry	Psychologist	Standard Psychology Practice Prerogatives requested
Samuel H. Wang, P.A.-C	Surgery/Plastic and Hand	Physician Assistant	Special Procedures requested: Minor Surgery (i.e., mole removal, biopsy, incision and drainage, suture of minor lacerations using local anesthetics, nitrogen/cryotherapy) and 1 <sup>st</sup> Surgery Assist
Maureen Welsh, A.N.P.	Family & Community Medicine	Nurse Practitioner	Special Procedures requested: Minor Surgery (i.e., mole removal, biopsy, incision and drainage, suture of minor lacerations using local anesthetics)

**REAPPOINTMENT**

PROVIDER	PRIMARY DEPARTMENT	CATEGORY	COMMENTS
Yvonne Lamos, C.N.M.	Obstetrics & Gynecology	Certified Nurse Midwife	Standard Certified Nurse Midwife Practice Prerogatives requested
Michelle Lynn Minta, C.R.N.A.	Anesthesiology	Certified Registered Nurse Anesthetist	Standard Certified Registered Nurse Anesthetist Practice Prerogatives requested

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Reed Stockman, C.R.N.A.	Anesthesiology	Certified Registered Nurse Anesthetist	Standard Certified Registered Nurse Anesthetist Practice Prerogatives requested
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**ADDITIONAL/REVISED PRACTICE PREROGATIVES**

<b>PROVIDER</b>	<b>PRIMARY DEPARTMENT</b>	<b>CATEGORY</b>	<b>COMMENTS</b>
Rebecca Caudle, P.A.	Surgery	Certified Physician Assistant	Special Procedures: Tracheostomy, Cryothyroidotomy, Central Line Catheter Insertion, Chest Tube Insertion/Placement, Endotracheal & Nasotracheal Intubation, Escharotomy, Fasciotomy of Hands & Fingers/ Upper Extremity & Lower Extremity/ Chest/ Abdomen/ Neck/Foot/Toes, Swan Ganz Catheter Insertion, non-diagnostic Bronchoscopy with/without Lavage, Arterial Line Catheter Insertion, Debridement, Tangential and Fascial Excision of burn wounds with placement of graft material Note: with direct supervision and treatment of adult patients only, defined as $\geq 14$ y/o for non-surgical procedures

**CHANGE OF STATUS**

<b>PROVIDER</b>	<b>PRIMARY DEPARTMENT</b>	<b>CATEGORY</b>	<b>COMMENTS</b>
Christina L. Barnes, N.P.	Psychiatry	Nurse Practitioner	Resigned from contracting entity
Marya K. Cota, Ph.D.	Psychiatry	Psychologist	Resigned from contracting entity
C. Ryan Ellsworth, P.A.	Orthopedic Surgery	Physician Assistant	Resigned from contracting entity
Gary A. Martin, Ph.D.	Psychiatry	Psychologist	Resigned from contracting entity
Michelle M. McNew, N.P.	Psychiatry	Nurse Practitioner	Resigned from contracting entity
Mary M. Otto, N.P.	Psychiatry	Nurse Practitioner	Resigned from contracting entity

**Definitions:**

Allied Health Professional Staff

An Allied Health Professional (AHP) is a licensed, certified, or registered health care provider other than in a discipline approved by the Governing Body to practice at a MIHS facility, and who is permitted to initiate, modify, or terminate therapy according to their scope of practice or other applicable law or regulation. Governing Body authorized AHPs are: Certified Registered Nurse Anesthetists; Certified Registered Nurse

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Practice Prerogatives	Midwife; Naturopathic Physician; Optometrists; Physician Assistant; Psychologists (Clinical Doctorate Degree Level); Registered Nurse Practitioners. Scopes of practice summarizing qualifications for the respective category, developed with input from the physician director of the clinical service and the observer/sponsor/responsible party of the AHP, Department Chair, and other representatives of the Medical Staff, Hospital management, and other professionals.
Reinstatement	Up to one year following voluntary resignation, a practitioner may request reinstatement of his/her appointment and practice prerogatives. Reinstatement is accomplished by successfully completing the reappointment process.

**Provider Panel Participation Recommendations for  
Maricopa Integrated Health Systems- Health Plan**

Recommended by Credentials Committee: 03/12/2004

Recommended by Professional Practices Committee: 03/25/2004

***ASPA Appointment***

Michael Amoa-Asare, M.D.	Internal Medicine	ASPA
Hamid H. Baktiary, M.D.	Internal Medicine	ASPA
Elijah Carter, M.D.	OB/GYN	ASPA
Ida Crocker-Sabbagh, M.D.	Family Practice	ASPA
Hilda Flores-Vidal, M.D.	Internal Medicine	ASPA
Vikram Kapur, M.D.	Internal Medicine	ASPA
Mary S. Parker, M.D.	Pediatrics	ASPA
Mary M. Romero, M.D.	OB/GYN	ASPA
Lori Sauers-Wolfe, D.O.	Internal Medicine	ASPA
Davinder Singh, M.D.	Internal Medicine	ASPA
Vishal Singh, M.D.	Internal Medicine	ASPA
Constance M. Tucker, D.O.	Family Practice	ASPA
William Van Arsdell, M.D.	Pediatrics	ASPA
Duc Vo, M.D.	Pediatrics	ASPA
Billie D. Zody, M.D.	OB/GYN	ASPA

***Provisional Appointment***

John Y. Aryan, M.D.	Radiology	Contract
Alexander J. Onofrei, M.D.	Family Practice	Contract
Robert Ortega, M.D.	Radiology	Contract

***Initial Appointment***

Reginald C. Baptiste, M.D.	Surgery/Cardio-thoracic Surgery	Medpro
Ira Blecker, M.D.	Radiology	Contract
David W. Borrmann, M.A.	Counseling	Contract
Thomas Brombacher, D.O.	Radiology	Contract
Joel R. Clark, D.D.S.	Dentistry	Contract
Orlando A. Delgado, P.A.	Surgery	Medpro



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Shareh O. Ghani, M.D.	Psychiatry	Contract
Amy E. Hillier, P.A.-C	Internal Medicine	Medpro
Joshua Sung-Bum Hong, D.D.S.	Dentistry	Contract

***Initial-Continued***

Mark J. Jorgensen, M.D.	Radiology	Contract
Kimberly A. Leach, D.P.M.	Podiatry	Contract
William J. Lester, Jr., M.D.	Radiology	Contract
Mark Loeser, CPA, MA	Behavioral Health	Contract
Jason D. McCargar, D.M.D.	Dentistry	Medpro
Conchita O. Mercado, D.D.S.	Dentistry	Contract
Abdul Nadir, M.D.	Internal Medicine/Gastroenterology	Medpro
Ali H. Nia, D.M.D.	Dentistry	Contract
Ngozi A. Osondu, M.D.	Infectious Disease	Contract
Janet Perry, Ph.D.	Psychology	Medpro
Rebecca B. Rodie, M.D.	Radiology	Contract
Mehrdad Shafa, M.D.	Pediatrics/Pediatric Emergency Medicine	Medpro
Albert Q. Tejada, M.D.	Family and Community Medicine	Medpro
Samuel H. Wang, P.A.-C	Surgery	Medpro
Maureen Welsh, A.N.P.	Family & Community Medicine	Medpro
Garrett D. White, M.D.	Nephrology	Contract
Scott T. Whitener, D.D.S.	Dentistry	Contract
Lana L. Wong, D.D.S.	Dentistry	Medpro

***Reappointment***

Jeffrey J. Alvarez, M.D.	Family & Community Medicine	Medpro
Teresa A. Buckstein, M.D.	Pediatrics	Medpro
Jack A. Buhrow, DDS, MS	Surgery/Oral and Maxillofacial	Medpro
Daniel M. Caruso, M.D.	Surgery/Critical Care-Trauma	Medpro
J. Kipp Charlton, M.D.	Pediatrics/ Nephrology	Medpro
Ramin Damadzadeh, D.D.S.	Dentistry	Contract
Anthony M. Dominic, Sr., D.O.	Family Practice	Contract
Laura A. Don, M.D.	Psychiatry	Medpro
Samuel P. Hand, M.D.	Psychiatry	Medpro
G. Allen Holloway, M.D.	Surgery/Internal Medicine	Medpro
Shakuntala Jain, M.D.	Psychiatry	Contract
Andrew A. Kassir, M.D.	Surgery/General Surgery	Medpro
Abraham C. Kuruvilla, M.D.	Family & Community Medicine	Medpro
Yvonne Lamos, C.N.M.	Obstetrics & Gynecology	Medpro
Jocelyn V. Nguyen, M.D.	Family & Community Medicine	Medpro
Carol Kline Olson, M.D.	Psychiatry	Medpro
Pamela M. Powers, M.D.	Psychiatry	Medpro
Peter R. Wilcox, M.D.	Family & Community Medicine	Medpro

***Denied***

Judd A. Shafer, M.D.	Family Practice	Contract
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**Definitions:**

Provisional: Provisional participation and privileges may be granted for a maximum of 6-months to a provider whose application has not completed the full credentialing process.

Arizona State Physicians Association, Inc. (ASPA): A contracted physician group.

**DEPARTMENT OF PSYCHIATRY RULES AND REGULATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Maricopa Integrated Health System, Department of Psychiatry, Rules and Regulations. On file in the Office of the Clerk of the Board of Supervisors. (ADM2100-005)

**INFORMATION ONLY REGARDING MEDICAL STAFF EXECUTIVE COMMITTEE MINUTES, PROFESSIONAL PRACTICES COMMITTEE MINUTES, AND QUALITY COUNCIL MEETING MINUTES**

Information only regarding Medical Staff Executive Committee Minutes, Professional Practices Committee Minutes, and Quality Council Meeting Minutes. Documents on file in the Clerk of the Board's Office. No action needed. (ADM2100-005)

**GOVERNING BODY'S BY-LAWS FOR OPERATION OF THE MARICOPA INTEGRATED HEALTH SYSTEM - CONTINUED**

Approve the Governing Body's By-Laws for the operation of the Maricopa Integrated Health System. Effective date of the revised By-Laws is January 1, 2004. (ADM2205)

The Clerk announced that this item has been continued to the April 19<sup>th</sup> meeting.

**CONTRACT WITH BDO SEIDMAN, LLP IN PARTNERSHIP WITH CAIN & ASSOCIATES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a new contract with BDO Seidman, LLP in partnership with Cain & Associates to perform an audit of AHCCCS (non-MIHS Health Plans) payments to MIHS within the past eighteen months. Compensation will be at 25% of the dollars received as the result of the non-MIHS AHCCCS payment audit and will be made following actual recovery of lost dollars. It is estimated that recovered funds will total no more than \$800,000 over the total contract period of two years; therefore, the not-to-exceed amount of this contract over the two-year period is \$200,000. The term of this contract is effective upon approval by the Board through December 31, 2004, and may be extended for a total contract period not-to-exceed two years. (C90040461)

**REVENUE CONTRACT WITH ARIZONA PHYSICIANS IPA (APIPA)**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to retroactively approve a new revenue contract with Arizona Physicians IPA (APIPA) effective August 12, 2003, for Inpatient Hospital, Outpatient Hospital, and Primary Care Services. This contract shall remain effective for a period of three years and will automatically renew annually subject to mutual agreement, and upon Board approval, of rates for the upcoming contract year. This contract may be terminated upon 120-day written notice. Anticipated gross annual revenue is \$9,827,762. Approval of this action will authorize a FY 2003-2004 revenue appropriation adjustment in the amount of \$8,599,292 to MIHS fund (535). Subsequently, this action will also authorize a FY 2003-2004 expense appropriation of \$8,599,292 to MIHS fund (535). These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. The budget adjustment does not alter the budget constraining the expenditure of the local revenue duly adopted by the Board pursuant to ARS §42-17105. (C90042041)

**RESIGNATION ACCEPTED**

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Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the resignation of Mr. Richard Gulbrandsen from the Planning & Zoning Commission, effective March 23, 2004. (C06040399) (ADM3415-001) (ADM1902-001)

**APPOINTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint Mr. Jason Barney to the Planning & Zoning Commission as the District 2 nominee. The term of appointment will be from the date of Board approval through October 6, 2007. (C06040409) (ADM3415-001) (ADM2358-001)

**REAPPOINTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the reappointment of Mr. Kent Cooper to the Flood Control District Citizens' Advisory Board, as the District 2 nominee. The term of reappointment will be from the date of Board approval through November 15, 2008. (C06040419) (ADM3713-001)

**APPOINTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint Matt McMahon to the Travel Reduction Program Regional Task Force, as the District 1 nominee. The term of appointment will be from the date of Board approval through January 31, 2005. (C06040429)

**APPOINTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint Michael Liburdi to the Self-Insured Trust Fund Board of Trustees, as the District 1 nominee. The term of appointment will be from the date of Board approval through June 30, 2005. (C06040439)

**HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for April 21, 2004, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2003-087; DMP2003-009

**MINUTES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meetings held February 2, 4, 11, 18, and March 1, 2004.

**PAYMENT OF CLAIMS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of the

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following current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (ADM3309)

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<u><b>Name</b></u>	<u><b>Total Employer Cost</b></u>
Janet Larkin	\$ 315.91
Karen Bryant	1,424.78
Candace McCloy	4,008.26
Kathleen Mancini	15,703.24

**SETTLEMENT OF CLAIMS – MIHS**

No claims have been received at this time. (ADM409-001)

**CONTRIBUTIONS GENERATED FOR THE 2004 COMBINED CHARITABLE CAMPAIGN**

No contributions were reported at this time. (C88040057) (ADM3311-002)

**CONTRIBUTIONS GENERATED FOR THE 2004 NACO ANNUAL CONFERENCE**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the acceptance of cash and in-kind contributions generated for the 2004 NACo Annual Conference through corporate sponsorships and donations. These contributions will support the expenses associated with Maricopa County's responsibilities as the July 2004 conference host. Itemized listing of commitments and donations received will be on file in the Office of the Clerk of the Board of Supervisors. (C2003015M) (ADM652)

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated April 7, 2004, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**SECURED TAX ROLL**

No tax roll requests were received from the Assessor at this time. (ADM705)

**TAX ABATEMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office. (ADM708)

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<b>Parcel #</b>	<b>Year</b>	<b>Proposed Abatement</b>
217-09-12A-4	2001	\$32.68
217-09-12B-3	2001	\$12.04
217-09-12C-2	2001	\$12.04
217-09-015-7	2001	\$60.36

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve issuing duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Reginald Thraen	240014441	General	\$85.00
Genevieve Vincelette	340528588	Expense	\$100.00
Gary Scott	240019838	General	\$1,324.18
Douglas A Matteson	240020216	General	\$697.13
Lyle R Langlois	240013780	Payroll	\$75.00

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Angelica Contreras	Litchfield Elem SD #79	14-0087609	\$365.79
Becky Romans	Fountain Hills USD	430120730	\$204.90
Randy L Gross	Tolleson Union SD #214	14-0081366	\$264.98
Alta Esl Resource Center	Roosevelt SD #66	43-0125498	\$149.45
NASDME	Pendergast SD #92	44-0022087	\$500.00
Molly Jacobs	Queen Creek Unified SD #95	440074161	\$399.62

**STALE DATED WARRANTS**

Pursuant to A.R.S. §11-644, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to find that the claim presented is legitimate and that the claimant has demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claim is allowed. (ADM1816)

<b>NAME</b>	<b>AMOUNT</b>
Ron A Landon	\$22.78

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the settlement of tax cases on file, list dated April 7, 2004. (ADM704)

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<b>2002/2003</b>	<b>2004</b>	ST 03-000209
TX 02-000423	ST 03-000152	ST 03-000210
<b>2003</b>	ST 03-000156	ST 03-000212
ST 03-000187	ST 03-000170	ST 03-000215
TX 02-000477	ST 03-000188	ST 03-000218
TX 02-000482	ST 03-000203	ST 03-000219
TX 02-000531	ST 03-000258	ST 03-000222
TX 02-000534	TX 03-000332	ST 03-000226
TX 03-000019	TX 03-000428	ST 04-000024
TX 03-000055	TX 03-000635	ST 04-000042
<b>2003/2004</b>	TX 03-000742	ST 04-000043
TX 03-000630	<b>2004/2005</b>	
TX 02-000418	ST 03-000062	

**CLASSIFICATION CHANGES**

No recommended changes to classification and/or reduce the valuation of certain properties which are now owner occupied were received from the Assessor at this time. (ADM723)

**COMPROMISES**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held March 15, 2004.) (ADM407)

Ariando M. Begaye	\$3,500.00	Kenny Jordan	\$ 450.00
Jody Keith	1,000.00	Clifford Mack	5,000.00
Emily Mack	7,500.00	Joe Romo	709,745.92
Arlette Santillan	400.00	Ayleen Santillan	1,400.00
Gamaliel Santillan	800.00	Jason Schlattman	71,053.93
Brittany Thomas	3,250.00	Gilbert Villaverde	2,200.00

**RE-HEARING REQUEST TO ARIZONA STATE LIQUOR BOARD**

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize filing a request for re-hearing or review to Arizona State Liquor Board of order granting application for person-to-person and location transfer of Bar License No. 06070228 (Thunder Pass Food & Spirits). (This is item A-1) (LL6102)

**PUBLIC COMMENT**

Anthony Abril, citizen, spoke saying that he favored establishment of underground storage tanks along the Rio Salado by the City of Phoenix. Mr. Abril encourages all local governments to bring additional economic development to the south side of Phoenix. (ADM605)

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**SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS**

Supervisor Brock reminded citizens that baseball season is beginning and urged everyone to support the Diamondbacks and attend the games to enjoy their stadium. (ADM606)

Supervisor Wilson commented on the addition to the Sheriff's Department (Agenda item No. 22) of officers and cars and the many miles in Maricopa County between County islands. He said that many residents aren't aware of how long it can take for deputies to get to a scene in outlying areas such as Wickenburg and Tonopah. He said the new additions would station men and equipment in closer proximity and will greatly aid the fight against crime in those areas.

Chairman Kunasek reported that local businessman Adolph Fazio, a long-time advocate working for Phoenix Memorial Hospital and the betterment of the County, died last weekend.

**PLANNING AND ZONING**

David Smith left the dais at the end of this portion of the Board meeting. Supervisor Wilcox is absent. All other Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

- |           |                   |  |
|-----------|-------------------|--|
| <b>1.</b> | <b>Z2003-094</b>  | <b>District 4</b>  |
|           | <b>Applicant:</b> | Randy Downing for AT&T Wireless Services   |
|           | <b>Location:</b>  | 13431 W. Deer Valley Rd. – at the Sun City West Fire Dept. (in the Sun City West area)   |
|           | <b>Request:</b>   | Special Use Permit (SUP) for a stealth (flagpole) wireless communications facility in the R1-6 SC zoning district and Cellular Use District 1 overlay – Sun City North Cell Site (0.008 ac.) |

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2003-094, subject to the following stipulations "a" through "i". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled "AT&T WIRELESS SERVICES: SUN CITY NORTH", consisting of five (5) sheets, dated revised December 15, 2003 and stamped received January 14, 2004 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Sun City West Fire Department #103", consisting of four (4) pages, undated but stamped received January 14, 2004, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission.



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Minor changes may be administratively approved by staff of the Planning and Development Department.

- d. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- e. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- f. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- g. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.
- h. The Special Use Permit boundary shall include the 9'X18' equipment area for AT&T Wireless and the proposed 10'X20' equipment area for Sprint as shown on the site plan. The applicant shall submit a written report outlining the status of the development at the end of five years from the date of approval by the Board of Supervisors, or completion of the site, or whichever occurs first. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning Commission's recommendation for approval of this special use permit, subject to stipulations "a" through "i."

- 2.      Z2003-100      District 3**  
**Applicant:**      Stephen L. Maldonado  
**Location:**      West side of Central Ave., approx. ½ mile north of the Pinnacle Peak Rd. alignment (in the north Phoenix area)  
**Request:**      Plan of Development for a construction yard in the IND-2 zoning district – Maldonado Masonry (0.93 gross ac.)

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2003-100, subject to the following stipulations "a" through "h". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 6-0.

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- a. Development of the site shall be in substantial compliance with the site plan and landscape plan entitled "Plan of Development for Maldonado Masonry", consisting of one (1) full-size sheet, dated revised December 4, 2003 and stamped received December 5, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in substantial compliance with the narrative entitled "MALDONADO OLSON MASONRY", consisting of 2 pages, stamped received September 17, 2003.
- c. The site shall meet all applicable Federal, State, and County requirements for dust control.
- d. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- f. Landscaping within County right-of-way will require a permit from the Maricopa County Department of Transportation.
- g. Major changes to this Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- h. Noncompliance with the Plan of Development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Stephen Maldonado, Maldonado Masonry, was present to support this item but did not speak.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning Commission's recommendation for approval of this Plan of Development subject to stipulations "a" through "h."

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**REGULAR AGENDA DETAIL:**

- 3. MP 90-1      Districts 4 & 5 - CONTINUED**  
**Applicant:** Beus Gilbert, P.L.L.C.  
**Location:** North of I-10, south of the Central Arizona Project (C.A.P.) canal, west of the Hassayampa River, and east of the Wintersburg Rd. alignment  
**Request:** Review of the Status Report for a previously approved Development Master Plan (DMP), including possible action for modification of the DMP – Belmont Development Master Plan (20,800 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of MP 90-1, subject to the following stipulations “a” through “vv”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0

- a. Development to be in accordance with the Narrative entitled “Belmont Development Master Plan” dated revised September 28, 1990. Changes to the existing Belmont Development Master Plan or the adopted stipulations must be processed as an amendment in accordance with the applicable development master plan guidelines in effect at the time of the amendment submission.
- b. Domestic water shall meet Safe Drinking Water Act requirements.
- c. Roadside interceptor channels to be located outside roadway right-of-way within appropriate easements and provisions made or requirements maintenance.
- d. Northern Avenue alignment through the master planned area shall be designated to have a 130-foot arterial right-of-way.
- e. The intersection of Belmont Parkway and Northern Avenue shall provide for free flow of traffic in all directions. This will require additional right-of-way in the vicinity of the intersection.
- f. Perimeter dedications will be made, as necessary and recommended by the County to serve adjacent properties.
- g. Indian School Road from 339<sup>th</sup> Avenue westerly for 1½ miles and 339<sup>th</sup> Avenue from Indian School Road south to Interstate 10 shall be widened and improved as part of Phase I.
- h. Belmont Parkway from Indian School Road to Interstate 10 shall be completed with the necessary interchange at 347<sup>th</sup> Avenue at commencement of Phase II.
- i. The master developer shall make arrangements for completion of all necessary fire stations concurrent with development in the applicable service area. Compliance shall be documented by the fire district/service provider and filed with Maricopa County.

- j. The fence along the Central Arizona Project Canal shall not be removed.
- k. Development phasing shall adhere to a land use implementation schedule providing: 10.5 acres of commercial property, 8 acres of industrial property and 5 acres of public/quasi-public property per 1,000 projected population. Verification of compliance shall be provided to Maricopa County by the master developer prior to commencement of subsequent phases.
- l. Water usage shall be limited to 140 gallons per person, per day for the entire project. Water usage at this level shall be verified by the master developer for each phase prior to approval of any zoning for subsequent phases. Verification of compliance shall be provided by the master developer to the Maricopa County Planning and Development Department.
- m. A detailed schedule of anticipated development within a five (5) year period shall be provided at the time of preliminary platting.
- n. Gross residential densities shall not exceed the following target densities within the residential land use categories:
  - Rural residential/high density: 0.6 dwelling units per acre.
  - Suburban residential: 1.5 dwelling units per acre.
  - Urban residential/very low density: 3.0 dwelling units per acre.
  - Urban residential/low density: 6 dwelling units per acre.
  - Urban residential/medium density: 10.0 dwelling units per acre.
  - Urban residential/high density: 16 dwelling units per acre.Demonstration of compliance with the target densities shall be provided on all final plats.
- o. A detailed financing plan shall be submitted to the Maricopa County Planning and Development Department at time of rezoning and preliminary platting.
- p. The master developer shall submit a written report to the Commission outlining the status of this development every five (5) years following approval of this request by the Board of Supervisors. The status report shall include location of approved rezoning, location of developed parcels, location of parcels under construction, location of parcels sold to other developers, status of infrastructure development, current project density using both constructed and approved dwelling units, locations of any amendments made to the Master Plan, status and ratio of non-residential property, and any other information as requested by Maricopa County unless or until a development agreement between the master developer and Maricopa County is completed and signed by both parties.
- q. All development will be subject to the Maricopa County Subdivision Regulations in effect at the time of platting. In addition, roadway classifications, roadway design criteria, and roadway construction requirements shall conform to applicable Maricopa County

standards in effect at the time of each zoning application unless modified by the adopted development agreement.

- r. All future rezoning applications for non-residential development will require a Planned Development (P.D.) overlay.
- s. The master plan shall be developed sequentially as depicted on the Phasing Prototype Map, Exhibit 3-20. Any change to the order of the phases of the project will require review and approval by the Planning and Zoning Commission and the Board of Supervisors.
- t. The master developer shall be responsible for the installation of all major elements of infrastructure including major street improvements, domestic water and sewer systems and drainage/flood control improvements in accordance with the Maricopa County standards in effect at the time of platting.
- u. MITIGATION FOR SHORT TERM AIR QUALITY IMPACTS

The following mitigation measures will be implemented during construction to reduce short-term air quality impacts of the project:

- 1. Master developer shall obtain an approved earth-moving permit from the Maricopa County Environmental Services Department.
- 2. All installation permits, operating permits, earth moving equipment permits and other permits required by law will be duly obtained and the requirement thereof will be satisfied. Proof of compliance with this stipulation shall be provided to the Maricopa County Planning and Development Department as the permits are obtained.

MITIGATION FOR LONG TERM LOCAL AIR QUALITY IMPACTS

The Master Developer agrees to implement the following transportation demand and system measures to reduce vehicle miles traveled within the Belmont Area:

- 1. Traffic signals will be timed according to Maricopa County requirements. An underground conduit system (or comparable technology) shall be provided within those rights-of-way identified by the Maricopa County Department of Transportation to integrate traffic signals and for future intelligent transportation system uses.
- 2. Left turn signals will be provided at key intersections to maximize traffic flow.
- 3. Prior to approval of initial rezoning, the master developer shall prepare a comprehensive multimodal transportation and circulation plan for the Belmont Development Master Plan, which addresses conveyances such as bicycles, pedestrians, golf carts, and equestrian. Also prior to approval of initial rezoning, this plan shall be submitted to and approved by the Maricopa County Department of Transportation. In addition, the master developer shall include bicycle lanes on all arterial and collector road alignments, and a bicycle circulation plan shall also be provided to, and approved by, the Maricopa County Department of Transportation with each identified phase of development. A master plan for

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- pedestrian paths shall also be provided to, and approved by, the Maricopa County Department of Transportation with each identified phase of development.
4. Bicycle facilities, including shaded areas and bicycle lockers, will be provided at each Multi-Use Center, and are subject to review and approval by the Maricopa County Department of Transportation.
  5. Maps of existing and planned bicycle and pedestrian paths and facilities shall be made permanently available for public viewing at all public libraries and community centers in the Belmont Development Master Plan
  6. The master developer shall provide neighborhood access to commercial and, where feasible, industrial areas via open space, pedestrian paths, bicycle paths, or other non-arterial street connections. Such access shall be specifically identified on all plats and precise plans of development.
  7. The Master Developer will design Belmont to facilitate future transit usage by providing for safe and secure bus stops including turnout lanes in residential, industrial and commercial areas per the requirements of the Maricopa County Department of Transportation. Further, prior to approval of initial rezoning the master developer shall enter into an agreement with the regional public transportation authority board of directors, or equivalent public transportation agency, to identify future public transportation facilities, services, funding requirements, cost sharing, and a transportation management plan within the Belmont Development Master Plan. This agreement shall be signed by both the master developer and the regional public transportation authority or equivalent public transportation agency, and be provided to the Maricopa County Planning and Development Department for public record. Based on this agreement, public transportation facilities shall be identified on all plats.
  8. Employers will be encouraged to provide bicycle storage, locker and shower facilities for employees. Applications for precise plans of development shall identify such facilities

**MITIGATION MEASURES FOR LONG TERM REGIONAL AIR QUALITY IMPACTS**

The Master Developer agrees to implement the following transportation demand measures to reduce air emissions from trips and vehicle miles traveled between the project area and other regional destinations.

1. The Belmont master developer shall be responsible for providing transit and alternative transportation information to residents via an annual newsletter or equivalent method approved the by the Maricopa County Planning and Development Department. Copies of such information shall be provided to the Maricopa County Planning and Development Department
2. The Master Developer will provide a Park and Ride lot system to coincide with the phasing of development at Belmont utilizing the Multi-Use Centers and other appropriate locations throughout Belmont. Park and ride lots, bus terminals, and other mass transit facilities shall be identified on all precise plans of development and plats.
3. Each commercial, industrial, and multi-use center development providing over 50 parking spaces will assign at least 15 percent of the spaces to priority parking for car pools. Such spaces shall be identified on all precise plans of development.

4. Free parking for automobiles, and bicycles, and other personal vehicles will be provided at park and ride facilities to encourage multi-occupancy vehicle use. Notes confirming compliance with this stipulation shall be included on all precise plans of development and plats.

**IMPLEMENTATION OF AIR QUALITY MITIGATION MEASURES**

At the time the individual parcels of the Belmont Development Master Plan are submitted for rezoning and/or subdivision approval, the master developer shall be required to specify in detail how the above referenced air quality mitigation measures will be implemented and enforced in conjunction with the Project seeking the zoning and/or subdivision approval.

The County Health Department shall be notified in conjunction with each request for zoning and/or subdivision approval and provided an opportunity to review and comment on the implementation of the specific air quality mitigation implementation to ensure such measures are in compliance with the air quality mitigation measures submitted in conjunction with the Belmont Master Plan approval and referenced herein.

- v. The bridge and interchange at 347<sup>th</sup> Avenue or 355<sup>th</sup> avenue, as determined by the Maricopa County Department of Transportation, must be built prior to the 339<sup>th</sup> Avenue Bridge reaching capacity.
- w. Prior to approval of initial rezoning, the master developer shall enter into a development agreement with Maricopa County. Further, prior to any rezoning approval this development agreement shall be signed by both parties and provided to the Maricopa County Planning and Development Department for public record.
- x. The initial final plat for phase one (1) shall occur within seven (7) years of Board of Supervisors approval of the revised Belmont Development Master Plan stipulations. If final platting has not occurred within this timeframe, the Belmont Development Master Plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation from the Maricopa County Planning and Zoning Commission, for possible revocation. If revoked, future action regarding the Belmont Development Master Plan would then require application for a new development master plan and would be subject to Board of Supervisors approval.
- y. If required by the Arizona Department of Water Resources, prior to approval of any rezoning the master developer shall update the preliminary groundwater resources evaluation study dated October 1989. Among other items, the updated study should examine expected aquifer production capabilities, impacts to adjoining aquifers, aquifer replenishment, and an analysis of the cumulative impacts of water withdrawal on the surrounding region. The study shall be approved by the Arizona Department of Water Resources. Based on the update results, Maricopa County reserves the right to require changes to the Belmont Development Master Plan to reflect updated conditions if required by the Arizona Department of Water Resources.

- z. If required by the Maricopa County Environmental Services Department, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Wastewater Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the infrastructure plans to reflect updated conditions.
- aa. If required by the Maricopa County Environmental Services Department, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Water Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the Belmont infrastructure plans to reflect updated conditions.
- bb. If required by the Flood Control District of Maricopa County, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Drainage Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the drainage solutions for the Belmont Development Master Plan to reflect updated conditions. The master developer will be allowed to transfer density within the project to accommodate unforeseen drainage and flood control issues.
- cc. If required by the Maricopa County Department of Transportation, prior to approval of initial rezoning the master developer shall update the Belmont Development Master Plan Transportation Master Plan dated August 1990, and shall submit updates prior to commencement of each subsequent phase. The update should contain an analysis of the fiscal impact of the necessary transportation infrastructure, including funding for improvements and future maintenance. In addition, if required by the Maricopa County Department of Transportation, prior to any rezoning the master developer shall prepare and submit to the Maricopa County Department of Transportation for approval a regional transportation study for the area. This study should analyze and evaluate the transportation impacts of the Belmont Development Master Plan on the regional transportation system, with the impact area being determined by the Maricopa County Department of Transportation. This study should also address development phasing and the respective regional infrastructure improvements necessary to support each phase. Further, prior to approval of any rezoning the master developer shall agree to pay their necessary and pro rata share of the regional fiscal impact costs of transportation facilities identified in the regional transportation model and as included in the development agreement.
- dd. For streets within the development, the average daily traffic (ADT) on the street segments shall not exceed the threshold ADT values defined in the Maricopa County Department of Transportation Roadway Design Manual. If the ADT attributable to Belmont on a street segment exceeds this threshold value, a parallel roadway facility, to the segment under consideration, shall be required at the discretion of the Maricopa County Department of Transportation.
- ee. All-weather access shall be provided to all parcels and on all arterial roadways.
- ff. A minimum of two access points shall be provided and available to each subdivision unit.



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- gg. Street light installation shall be the responsibility of the master developer. A street lighting improvement district, or comparable authority, shall be established to provide operation and maintenance.
- hh. Prior to approval of any rezoning, and if required by the Maricopa County Environmental Services Department, a Maricopa Association of Governments (MAG) Air Quality Conformity Analysis shall be completed by the applicant and analyzed by MAG and Maricopa County to determine regional impacts and any necessary mitigation measures. Based on the results, Maricopa County and the master developer will address any necessary mitigation measures. Any mitigation measures taken will not affect approved densities for the Belmont Development Master Plan.
- ii. Prior to approval of any rezoning, an archaeological survey of the Belmont Development Master Plan property shall be conducted to locate and evaluate any existing cultural resources that may be present. Once the survey has been completed, a copy of the report shall be provided to the Arizona State Historic Preservation Office for review and comment. If historic or significant sites are identified within the project area, it may be necessary to have archaeological testing performed at the sites to evaluate their eligibility for inclusion in the National or State Register of Historic Places. If Register-eligible properties cannot be avoided by development activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. If federal permit(s) are required for any development, then any archaeological work performed must meet the Secretary of Interior's standards.
- jj. If requested by the Arizona Game and Fish Department, prior to approval of initial rezoning the master developer shall work with the Arizona Game and Fish Department to help quantify potential impacts to wildlife in the Belmont Development Master Plan region, and work with the Arizona Game and Fish Department to develop a mitigation plan to offset potential adverse impacts to wildlife resulting from the proposed development. This mitigation plan shall be provided to the Maricopa County Planning and Development Department for public record, and all rezonings must demonstrate conformance with the approved mitigation plan unless deemed redundant due to the 404 permitting process.
- kk. The master developer shall notify all future Belmont Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by or be able to petition a citizen-elected municipal government. Further, residents will not have access to municipally managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be published on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all home sales material, and be included in all homeowners association covenants, conditions, and restrictions (CC&Rs).
- ll. Prior to approval of any rezoning, the master developer shall initiate discussions with the appropriate public school district(s) to address service and facility needs. Any formal agreements signed by both the master developer and the school district(s) shall be provided to the Maricopa County Planning and Development Department for public record.

- mm. Not less than 2,059 acres of the Belmont Development Master Plan shall be set aside for commercial-type development, as identified in the Belmont Development Master Plan narrative report. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat or precise plan submission, the master developer shall submit a description of the status of the cumulative commercial-type development land use acreage with respect to the minimum 2,059-acre requirement.
- nn. Not less than 1,249 acres of the Belmont Development Master Plan shall be set aside for industrial-type development, as identified in the Belmont Development Master Plan narrative report. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat or precise plan submission, the master developer shall submit a description of the status of the cumulative industrial-type development land use acreage with respect to the minimum 1,249-acre requirement.
- oo. Not less than the following of the Belmont Development Master Plan shall be set aside for park and recreation, as identified in the Belmont Development Master Plan narrative report:
- 413 acres for neighborhood parks
  - 226 acres for playfields
  - 228 acres for playgrounds
  - 760 acres for community parks
  - 20 acres for indoor recreation
  - 6 public swimming pools
  - 54.5 acres for sports complex
  - 872 acres for usable retained open space
- To help ensure compliance, the total acres of each of these land uses shall be included on all plats. In addition, at the time of each preliminary plat submission, the master developer shall submit a description of the status of the cumulative land use acreage with respect to the minimum acreage requirement for each of these land uses.
- pp. Not less than 838 acres shall be set aside as natural open space. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative natural open space acreage with respect to the minimum 838-acre requirement.
- qq. All park and recreation facilities shall be completed concurrent with development in the applicable service area. Park facilities shall be identified on all applicable plats, and park amenities will be subject to review by the Maricopa County Planning and Development Department.

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- rr. Prior to filing applicable preliminary plats, the master developer shall submit a landscape inventory and salvage plan which identifies and assesses the native trees and cacti within the applicable parcels, and which determines the preservation and disposition for each of the selected trees, plants, and cacti. The salvage plan shall be in accordance with state laws in effect at the time of plat submittal.
- ss. The master developer or similar entity shall be responsible for construction and maintenance of public open spaces and facilities; washes; parks; roadway median landscaping; landscaping within the public rights-of-way; pedestrian, bicycle, and equestrian paths. Should the Belmont Development Master Plan be incorporated, responsibility for maintenance of the above mentioned facilities shall be the responsibility of the annexing city or newly created municipality.
- tt. All irrigation of common areas, golf courses, and lakes over ten (10) acres in size shall be done entirely with a renewable water supply when sufficiently available. A report identifying when a renewable water supply will be available shall be submitted to the Maricopa County Planning and Development Department prior to approval of initial rezoning. Notes testifying to compliance with this stipulation shall be placed on all plats.
- uu. No development shall be permitted on hillside slopes of greater than 15%. Building envelopes shall be required for all development in areas of 10% to 15% slope. Building envelopes are to designate the area that may be disturbed for all residential structures and amenities. The balance of the lot outside this envelope shall be retained in its natural state.
- vv. Prior to approval of the first final plat, the master developer shall provide Maricopa County with the appropriate documentation—as identified by the Maricopa County Planning and Development Department—of their intent to form a community facilities district that encompasses the entire Belmont Development Master Plan. This district shall be formed for the purpose of financing the following public infrastructure:
  - 1. Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge.
  - 2. Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use, and discharge.
  - 3. Water systems for domestic, industrial, irrigation, municipal and fire protection purposes including production, collection, storage, treatment, transport, delivery, connection and dispersal.
  - 4. Highways, streets, roadways and parking facilities including all areas for vehicular use for travel, ingress, egress and parking.
  - 5. Areas for pedestrian, equestrian, bicycle and other non-motor vehicle use for travel, ingress, egress and parking.
  - 6. Pedestrian malls, parks, recreational facilities, and public open space areas.
  - 7. Landscaping including earthworks, structures, lakes and other water features, plants, trees and related water delivery systems.
  - 8. Public buildings, public safety facilities and fire protection facilities.
  - 9. Lighting systems.
  - 10. Traffic control systems and devices including signals, controls, markings and signage.

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11. School sites and facilities if agreed to and with the consent of the applicable school district(s).
12. Equipment, vehicles, furnishings and other property related to the items listed in this paragraph.

Formation of the district shall occur prior to issuance of any building permits.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to continue this case to the May 19, 2004, meeting.

- 4.      Z2003-077      District 1**  
**Applicant:**      Robert & Cynthia McPeters  
**Location:**      South side of Elliot Rd., west of Dobson Rd. (in the Chandler area)  
**Request:**      Rezone from Rural-43 to C-O CUPD – McPeter's Office Conversion (1.7 ac.)

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2003-077, subject to the following stipulations "a" through "o". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in general conformance with the site plan entitled, "Site Plan for McPeters Office Conversion", consisting of one full size sheet, stamped by the Engineer February 3, 2004, and stamped received February 4, 2004, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "McPeters Office Conversion", consisting of six (6) pages stamped received February 4, 2004, except as modified by the following stipulations.
- c. Landscaping on the subject properties shall be generally consistent with the landscape plan entitled, "Landscape Plan Lot 2 & 3", consisting of one (1) full size sheet, stamped received February 4, 2004, except as modified by the following stipulations.
- d. Development shall be in conformance with the following CUPD Table:

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C-O CUPD TABLE		
	C-O Base	C-O CUPD
Front setback	25'	25'
Rear setback	5'	5'
Side setback abutting Rural zoning district	10'	10'
Side setback not abutting Rural zoning district	5'	3'
Minimum Lot Area	12,000 sq. ft.	12,000 sq. ft.
Lot Coverage	60%	60%
Minimum lot width	60'	60'
Perimeter wall adjacent to Rural zoning district	Minimum 6' high, must extend to front property line	Minimum 6' high, 26' short of front property line
Side yard landscaping	"Suitable"	Per landscape plan
Unused lot area	Vegetation/landscaping	Turf
Sight visibility	25' x 25' triangle	25' x 25' triangle w/ encroachments *
*Encroachments limited to mailboxes and one existing mature pine tree.		

- e. All driveways shall observe a 25' by 25' sight visibility triangle as required by Articles 1111.4.2 and 1111.4.3 of the Maricopa County Zoning Ordinance. The existing mailboxes located on both lots as well as the existing pine tree located on Lot 3 may encroach into the required sight visibility triangle.
- f. Within 60 days of Board of Supervisors approval of this zone change request, the applicant shall apply for a building permit to retrofit the existing single-family residences to meet current commercial building code requirements as applicable. The applicant shall make satisfactory progress towards the completion of the retrofit and shall obtain a Certificate of Occupancy for the retrofitted buildings no later than one year from the date of approval of this zone change request by the Board of Supervisors.
- g. Within 60 days of Board of Supervisors' approval of this zone change request, the applicant shall apply for all applicable building permits for any remaining un-permitted structures located on site. Record permits shall be obtained for any such structures erected on site prior to the applicant having taken possession of the subject property. As-Built permits shall be obtained for any such structures erected on site after the applicant having taken possession of the subject property.
- h. No outdoor storage of any type shall be allowed to occur on site.
- i. The retention areas and all vacant areas as shown on the site plan listed in stipulation "a" above shall not be covered with ABC but shall be covered with turf.
- j. The general appearance of the properties shall remain residential in character. The landscaping of the properties shall be maintained in a neat and orderly manner to not give the appearance of blight in the neighborhood.

- k. The owners or agents of the property shall obtain a drainage clearance prior to issuance of a building permit. Prior to said zoning clearance or within six months, a drainage report and a grading, paving and drainage plan be submitted to the Flood Control District for review and approval. The drainage report and the grading plan shall include the following:
  - i. The drainage report shall describe the existing drainage patterns present on the subject properties.
  - ii. The drainage report shall show calculations justifying retention basin sizing, and the plan shall show the location and dimensions of the retention basin. The drainage report shall demonstrate that the 100-year, 2-hour stormwater runoff generated on-site will be retained in accordance with the Drainage Regulations of Maricopa County.
  - iii. All existing and proposed structures/buildings shall be noted on the plan.
  - iv. Perpendicular cross sections from property line to property line indicating property lines, parking areas, finished floors, fencing, and retention basins in plan and profile view reflecting high and low outfall points shall be incorporated into the grading and drainage plan.
  - v. The grading plan and the drainage report shall be signed and stamped by an Arizona Registered Professional Civil Engineer.
- l. All outdoor lighting shall conform to Article 1112 of the Maricopa County Zoning Ordinance.
- m. Approval is subject to conditional zoning as per the Maricopa County Zoning Ordinance. If the stipulations of approval of this zone change request have not been met within with in one (1) year of the date of approval of this request by the Board of Supervisors, the zoning may be revisited by the Planning and Zoning Commission for consideration and possible reversion back to Rural-43 zoning.
- n. Major changes to this Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- o. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Joy Rich, Chief Regional Development Services Officer, said that this is the case mentioned earlier in the meeting that is the subject of a code enforcement action. She added that if this rezoning case is approved it will bring the property into compliance and negate the code enforcement case. There is no known opposition and both staff and the Planning Commission recommend approval.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval of this rezoning subject to stipulations "a" through "o."

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**Chairman Kunasek moved this Code Enforcement Review to this part of the meeting to follow the vote in the above case.**

**CODE ENFORCEMENT REVIEW**

Chairman Kunasek called for oral argument in the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. 2001-00868, Robert and Cynthia McPeters. (This hearing continued from meetings of October 8, November 5, 2003, and January 7, 2004.) (ADM3417-021)

Joy Rich, Chief Regional Development Services Officer, said that the above vote approving the rezoning of the McPeters' property impacts this Code Violation Case and the Hearing Officer's previous order. She reported that approval of the stipulations in the previous case brought the property into conformity and the Board was free to overturn the Hearing Officer's order.

However, Supervisor Stapley questioned the wisdom of taking such an action at this time, stating that the property was in violation until everything in the stipulations was done and there is no guarantee that the stipulations will be adhered to if it is dismissed. He said the zoning is contingent on those stipulations being accomplished and he felt it would be wise to continue this item until these have been completed. Supervisor Brock agreed with this advice and asked the applicant if 60 days would be long enough for him to comply with the stipulations.

Bob McPeters, the applicant, came forward to say that the stipulations are already in the CUPD for the zoning change. In response to a question from Supervisor Stapley, Mr. McPeters said the rights-of-way are in place but they were waiting for the approval of the stipulations before starting on the improvements. He said he had been given a year after the approval of the zoning change to make the improvements. Discussion ensued. Joy Rich said that the applicant has one year to comply with all the stipulations and if this is not done the Planning Commission could initiate revocation.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to continue this matter for one year, date uncertain, with notification to the respondent to come from the Clerk of the Board when next year's Board of Supervisors' meeting schedule has been set. Counsel stated that this would not have to be republished, as it is not a public hearing.

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| <b>5.</b> | <b>Z2003-085</b>  | <b>District 4</b>   |
|           | <b>Applicant:</b> | Champion Partners Acquisition, L.L.C.   |
|           | <b>Location:</b>  | Northwest corner of Camelback Rd. & Dysart Rd. (in the west Glendale area)            |
|           | <b>Request:</b>   | Rezone from Rural-43 to C-S CUPD and C-O CUPD – Camelback Place at Dysart (19.88 ac.) |

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2003-085, subject to the following stipulations "a" through "i". Commissioner Pugmire seconded the motion, which passed with a majority vote of 6-1, with Commissioner Munoz dissenting.

- a. Development and use of the site shall be in substantial compliance with the site plan entitled "Camelback Place @ Dysart", consisting of eight (8) full-size sheets, dated January 21, 2004, stamped received February 6, 2004, except as modified by the following stipulations.

- b. Development and use of the site shall comply with the narrative report entitled "Revised Narrative Report – Fourth TAC submittal 02/05/04 for Camelback Place at Dysart", consisting of six (6) pages, stamped received February 6, 2004, except as modified by the following stipulations.
- c. Signage on the property shall be consistent with the sign package entitled "Camelback Place", consisting of eight (8) pages including exhibits, dated August 25, 2003, revised January 20, 2004, and stamped received January 21, 2004.
- d. Landscaping on the site shall be generally consistent with the Landscape Plan entitled, "Conceptual Landscape Plan – Camelback Place at Dysart", consisting of one (1) sheet, dated August 27, 2003, revised February 4, 2004, and stamped received February 6, 2004.
- e. Prior to zoning clearance, the following MCDOT stipulations shall be met:
  - i. Provide dedication of right-of-way as shown on Sheet A101 of the site plan reference in stipulation "a" above.
  - ii. Construct ultimate half-street improvements including three lanes, curb, gutter, sidewalk, and medians on both Camelback Road and Dysart Road during Phase 1 construction.
  - iii. Construct right-turn deceleration lanes as shown on sheet A101 of the site plan referenced in stipulation "a" above.
  - iv. All landscaping within Maricopa County right-of-way must meet criteria specified in the MCDOT Roadway Design Manual, Chapter 9.
- f. The following Flood Control District stipulations shall be met:
  - i. After zoning approval but prior to site development approval, the owners or their agents shall obtain a drainage clearance as part of the building permit.
  - ii. Prior to issuance of a drainage clearance, the Flood Control District will require resolution of the following concerns:
    - 1. Provide off-site hydrology calculations for the entire watershed that reaches the site and show how the flows from the west and north are received and routed through the site without co-mingling with the on-site flows.
    - 2. Provide hydraulic analysis for any channels, culverts, storm drains, or street drainage.
    - 3. Depict perpendicular cross sections through the site indicating property lines, swales, retention areas, finished floors, and street details.
    - 4. Include the engineer's finished floor certification statement, "I certify all finished floor elevations shown are free from inundation during the 100-year peak runoff event."
    - 5. We may support a waiver to increase the time required to drain the underground retention storage provided the surface water on the parking



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lot is dissipated within the 36 hours and the underground storage is designed to prevent the formation of mosquitoes, and filtration would be required for landscape reuse.

- g. The developer shall obtain all necessary construction permits prior to commencing construction on the site.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department, subject to the concurrence by Luke Air Force Base for any proposed changes.

Joy Rich gave background on this case and said that the cities of Glendale and Litchfield Park are in opposition to this request as are several neighboring property owners. Concerns have been expressed regarding the continuation of current rural lifestyle issues, possible detriment to the popular equestrian environment and the lack of any need for additional commercial properties at this location. A screening wall along the stables' boundary line was previously discussed and she indicated that the applicant is willing to support a new stipulation "j" to address this concern. Ms. Rich said that the applicant may decide to return with a separate application to adjust the C-S/C-O zoning boundary near the Colter Street alignment.

William Allison, for the applicant, said this site involves 14 acres and would incorporate a shopping center and 5 acres of office condominiums. He reported that other commercial development is planned around this site which is located at a main intersection of two major arterials. He said the applicant believes it is very suitable for commercial use and added that it seemed unrealistic to imagine it being used for anything other than commercial. He listed several commercial enterprises already expressing interest in locating on the proposed site. He said that the application conforms to the County Area Plan and asked for its approval.

He addressed concerns that had been expressed and gave the applicant's input on them saying they were truly interested in working out all the problem areas with the neighbors. He listed the many changes and concessions the applicant had already made. He indicated that they had met with residents and feel that they will find a solution that would be agreeable to all.

In response to a question from Supervisor Wilson, Dick Wallace, MCDOT, replied that a traffic light would be installed when need warrants one and the commercial corner businesses would be expected to post assurance for their portion of the signal, which would probably be at least 25% of the cost.

Larry Gura, Dale Creek Equestrian Village, spoke in opposition and felt there needs to be a continuance of this case so the Planning Commission can have a proper amount of time to reconsider it. He explained that the Chairman of the Planning Commission had limited testimony by the time they heard this case and he felt it had been unduly hurried through without everyone having the chance to testify. He asked that the 8 ft. wall the applicant has agreed to build be done first, prior to construction, to protect both horses and riders on the nearby equestrian paths. He said that the Agua Fria - White Tank Land Use Plan used to control that area and it had been a good plan. He added that their lifestyles were not the same as they

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had been when it was adhered to, "there is more crime, more traffic, more pollution, and we wish it had stayed in effect."

Mike Cartsonis, City of Litchfield Park staff for planning, spoke in opposition to the plan. He said that commercial and residential development needs to be reasonably balanced. "It is our view that this rezoning project will worsen the situation of over-zoning of commercial in the west valley area." He listed the shopping areas already at or within close proximity to the intersection at the NW corner of Camelback and Dysart Road where this 14 acre commercial project would be developed. He said that all of the commercial properties add up to approximately twice the amount necessary for the population of the area. He said that over-zoning of commercial land leads to over-building of commercial properties and such over-building leads to vacancies and eventual community blight.

Supervisor Wilson asked Mr. Cartsonis for clarification of his authorization to represent the City of Litchfield Park.

Mr. Cartsonis reported that he had called each of the members of the city council and planning board members on Tuesday to advise them of this meeting, either talking to them or leaving messages for them. He indicated that he had cleared what he would say with the City Manager and the Mayor, who had written a letter to the Supervisors supporting his argument.

Supervisor Wilson said he had received the Mayor's letter and it had prompted him to call some of the council members, since Litchfield Park is in his district. They had told him that the letter had been written by the Mayor and it had not been approved by the council members. He said he realized that council members had been divided on issues before.

Yvonne Welz said she had boarded her horse at Dale Creek Equestrian for 14 years and spoke in opposition to having a large supermarket built "directly next door" to the stables, saying it would greatly diminish the quality of riding for all those having horses there and using the trails. She said the stables have maintained a track for decades and it would be adjacent to the proposed supermarket and speculated on the dangers that could entail because of the large trucks and noise at the market. She said it seemed there is already "a supermarket on every corner" and there was an overabundance of markets being built for the number of people living there.

Supervisor Wilson said he was generally in agreement with this project but, as a horse lover he could identify with some of the concerns expressed. In a discussion with Mr. Allison it was clarified that the wall bordering the stables and trails could be built first, after some preliminary grading was completed, and the applicant would be pleased to make that concession.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "i" and with the addition of new stipulations "j" and "k" given below.

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- j. The applicant agrees to cooperate with the City of Litchfield Park to build a screen wall along the south side of Camelback Road opposite of and for the length of the subject property's frontage on the north side of Camelback Road.
  - k. The applicant shall construct an 8' high screen wall along the western boundary of the site prior to any other construction activity occurring on site except in regard to the preparation work for said wall.
- 6. Z2003-105 District 3** (This case continued from meeting of March 17, 2004.)  
(This case requires  $\frac{3}{4}$  majority vote to approve, due to opposition from adjacent property owners.) – **CONTINUED**
- Applicant:** Tim Cogil  
**Location:** Southwest corner of Westland Rd. & Cave Creek Rd. (in the north Phoenix/Cave Creek area.)  
**Request:** Rezone from Rural-43 to C-2 P.D. – Catherine's Center of Dance (1.77 ac.)

The Commission directed the applicant to submit a revised site plan within two weeks of Commission approval to staff for review modifying student pick-up and drop-off provisions. Due to this action, the request will not be routinely scheduled for the March 3, 2004 Board of Supervisor's hearing, but delayed two weeks to the March 17, 2004 Board of Supervisor's hearing.

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2003-105, subject to the following stipulations "a" through "u". Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Catherine's Center of Dance", consisting of 1 sheet, revised and stamped received January 23, 2004, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Rezone property from R-43 to C-2 for the construction of Catherine's Center of Dance", consisting of 5 pages, stamped received September 23, 2003, except as modified by the following stipulations.
- c. The applicant shall enter into a pre-annexation agreement with the City of Phoenix and to voluntarily accept the City of Phoenix's equivalent dance conservatory zoning of Commercial 1 (C-1) once the subject property has been annexed.
- d. The site shall be subject to a Plan of Development overlay.
- e. At least two handicap accessible parking spaces with the minimum dimensions of 13' x 18' shall be required. Prior to zoning clearance a revised site plan shall be submitted reflecting this change.
- f. Dedication of additional rights-of-way to bring the total half-width dedication to 40' for Westland Rd. and 70' for Cave Creek Road shall occur within 6 months of approval of this request by the Board of supervisors, and prior to zoning clearance.

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- g. Provide ultimate half-width improvements on Westland Road to include pavement, curb, gutter and sidewalk. The applicant shall coordinate with the City of Phoenix and MCDOT in this regard.
- h. The driveway shall be paved in County right-of-way owner
- i. Prior to any development an engineered grading and drainage plan must be submitted to our office for review and approval.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site
- k. All transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- m. Primary sign must be located outside the ultimate right-of-ways, required clear-sight distance triangles, and the 105' Cave Creek Scenic Corridor.
- n. Primary sign shall be of a monument type.
- o. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- p. All parking areas shall be screened with low water use native landscape material to obscure the view of the parking area from Cave Creek Road, Westland Road and the surrounding residential properties.
- q. Interior circulation and parking areas shall be dust-proofed with a heavy (1" or larger) gravel acceptable to the Department of Transportation and the Environmental Services Department.
- r. Building heights shall be limited to lesser of one story or 30'. Any changes to this height would require a Major Amendment to the Plan of Development, and require public participation.
- s. The applicant shall provide a trail easement (in perpetuity) to the City of Phoenix's specifications within the 105' scenic corridor and generally lying parallel to the Cave Creek Road frontage.

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- t. Major changes to this Plan of Development shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- u. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

The Clerk announced that a request had been received for an indefinite continuance on this case. If granted it would have to be reposted. Chairman Kunasek said that if it is ever brought up for reconsideration, the Planning Department should make certain that the confusions currently encountered in the case would be eliminated, particularly with regards to efforts to notify and include residents at Saguaro West in any public meetings.

Four citizens registered their opposition to this matter, Michael Rich and L. U. Lograve of Dove Valley Estates Coalition, David Davis, homeowner and Kathryn Hulka.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (4-0-1) to continue this item indefinitely.

- 7.        Z2003-118        District 1**  
**Applicant:**        Lynsi F. Waggoner and Wendy R. Riddell of Beus Gilbert, P.L.L.C. for Kim Gauchat  
**Location:**        13810 S. Val Vista Drive near the northeast corner of Val Vista Dr. & Ray Rd. (in the Gilbert area)  
**Request:**        Special Use Permit (SUP) for a dog training and daycare (kennel) business – Born to Run (3.00 ac.)

**COMMISSION ACTION:** Commissioner Masel moved to recommend approval of Z2003-118, subject to the following stipulations “a” through “s”. Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan, landscape plan, elevations, and signage entitled “Born to Run”, consisting of a total of 4 sheets, stamped received November 17, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled “Born to Run 13810 S. Val Vista Drive Gilbert, Arizona”, consisting of 12 pages, stamped received November 17, 2003, except as modified by the following stipulations.
- c. All signs shall be limited to the general dimensions and design as shown in the sign elevation labeled “Sign to be placed along Val Vista”, consisting of one page and stamped received November 17, 2004, except as modified by the following stipulations.

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- d. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- e. Prior to any development, a drainage clearance must be obtained from the Maricopa County Flood Control District as outlined on the Flood Control Interoffice memorandum dated February 4, 2004.
- f. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- g. Noncompliance with the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further noncompliance of the conditions of approval may be grounds for the Commission to take actions in accordance with the Maricopa County Zoning Ordinance.
- h. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- i. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance. This includes all provisions of the Maricopa County Environmental Health Code.
- j. The property owner shall combine both lots as defined on the site plan and provide the Planning and Development Department with a copy of the newly assigned assessor parcel number and recorded deed within 6 months from the date of this approval.
- k. The property owner and/or lessee shall install a gate near the point where the south road, used to access the rear portions of the subject property, connects to the circular driveway. The intent of this traffic control device is to limit unauthorized after-hours access to the rear portions of the subject property.
- l. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance lighting standards.
- m. All outdoor lighting for the rear portions of the subject property (Play and Training Yards) shall be turned off by 10:00 p.m. each night.
- n. All signs shall be positioned so as not to be located within the Val Vista Dr. right-of-way.
- o. All trees shall be double-staked when installed and the landscape maintained on a regular basis.

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- p. The business owner/lessee shall obtain a kennel permit issued by the Maricopa County Animal Care and Control Division prior to any animals to be kept at this facility.
- q. Animal wastes must be collected in accordance with the project narrative and disposed of at least twice weekly.
- r. Appropriate materials (asphalt millings, gravel, decomposed granite) must be used for the unpaved driveways and parking areas.
- s. All dogs shall be kept in an enclosed building from 10:00 p.m. to 6:00 a.m. daily.

Joy Rich reported on the background of this case and said there was no opposition and it was recommended for approval by staff and the Planning Commission. Kim Gauchat, the applicant, was present to express her hope for approval of this request.

Motion was made by Supervisor Brock, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "s."

- 8. S2003-059 District 4** (This case continued from meeting of March 3, 2004.) **CONTINUED**  
**Applicant:** Patton Place L.L.C.  
**Location:** Southeast corner of Peak View Rd. & 247<sup>th</sup> Ave. (in the Surprise area)  
**Request:** Final Plat in the Rural-43 zoning district for Patton Place IV (approximately 60.06 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to continue this item to the May 5, 2004, meeting.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board